

## **Historic, Archive Document**

Do not assume content reflects current scientific knowledge, policies, or practices.



158.58  
An 7

Bulletin 253

# *Annual Digest of*

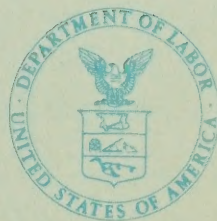
## STATE AND FEDERAL LABOR LEGISLATION

U. S. DEPT. OF AGRICULTURE  
NATIONAL AGRICULTURAL LIBRARY

SEP 16 1963

DIVISION OF CATALOG & RECORDS

1961  
1962



U.S. DEPARTMENT OF LABOR

W. Willard Wirtz, *Secretary*

BUREAU OF LABOR STANDARDS

Arthur W. Motley, *Director*



(Code citations should be read to include reference to pocket  
supplements or looseleaf insertions as necessary)

U.S. GOVERNMENT PRINTING OFFICE

*Ja* WASHINGTON *//* 1963

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402 - Price 70 cents



3  
*Annual Digest of*

**STATE AND FEDERAL  
LABOR LEGISLATION**

For the years  
1961 and 1962

**U.S. DEPARTMENT OF LABOR  
W. Willard Wirtz, *Secretary***

2. M. S. **BUREAU OF LABOR STANDARDS**  
**Arthur W. Motley, *Director***



## ***FOREWORD***

THIS BULLETIN, which is the twenty-sixth issue in a series, combines two annual digests of labor legislation. Part I includes major State and Federal labor laws enacted in 1961, and Part II, such legislation enacted in 1962.

Digests of State unemployment and temporary disability insurance acts were prepared by the Bureau of Employment Security, women's laws by the Women's Bureau, and Federal acts by the Solicitor's Office of the Department.

This bulletin was prepared by Maxine Anderson and Sylvia R. Weissbrodt, of the Legislative Standards Branch, under the general direction of Milton Brooke, Chief, Division of State Services, Bureau of Labor Standards.





# CONTENTS

## PART I—1961

	Page		Page
INTRODUCTION .....	3	CALIFORNIA—Continued	
ALABAMA:		Wage Payment and Wage Col- lection .....	35
Child Labor and School At- tendance .....	16	Wages and Hours—Women and Minors .....	36
Occupational Health and Safety .....	16	Workmen's Compensation .....	36
Unemployment Insurance .....	17	Miscellaneous .....	39
Workmen's Compensation .....	18	COLORADO:	
ALASKA:		Apprenticeship .....	39
Unemployment Insurance .....	19	Child Labor and School At- tendance .....	40
Wages—Wage Garnishment .....	19	Migratory Workers .....	40
Workmen's Compensation .....	19	Occupational Health and Safety .....	41
ARIZONA:		Workmen's Compensation .....	41
Unemployment Insurance .....	19	CONNECTICUT:	
Workmen's Compensation .....	20	Industrial Relations .....	43
ARKANSAS:		Occupational Health and Safety .....	44
Occupational Health and Safety .....	20	Private Employment Agencies .....	45
Workmen's Compensation .....	21	Unemployment Insurance .....	46
CALIFORNIA:		Wage Payment and Wage Col- lection .....	46
Apprenticeship .....	22	Wages—Prevailing Wages .....	46
Child Labor and School At- tendance .....	22	Wages and Hours—All Work- ers .....	46
Discrimination in Employ- ment .....	23	Workmen's Compensation .....	47
Hours of Work .....	23	DELAWARE:	
Industrial Relations .....	23	Industrial Relations .....	48
Migratory Workers .....	25	Occupational Health and Safety .....	49
Occupational Health and Safety .....	26	Private Employment Agencies .....	49
Older Workers .....	29	State Department of Labor .....	49
Private Employment Agencies .....	30	Unemployment Insurance .....	49
Temporary Disability Insur- ance .....	32	Workmen's Compensation .....	50
Time Off for Voting .....	33	DISTRICT OF COLUMBIA:	
Unemployment Insurance .....	33	Workmen's Compensation .....	51

	Page		Page
<b>FLORIDA:</b>		<b>IOWA:</b>	
Child Labor and School At-		Occupational Health and	
tendance.....	51	Safety.....	67
Occupational Health and		Unemployment Insurance.....	67
Safety.....	52		
Private Employment Agencies..	53	<b>KANSAS:</b>	
Unemployment Insurance.....	53	Child Labor and School At-	
		tendance.....	68
<b>HAWAII:</b>		Discrimination in Employ-	
Child Labor and School At-		ment.....	68
tendance.....	54	Occupational Health and	
Industrial Relations.....	54	Safety.....	69
Private Employment Agencies..	54	Unemployment Insurance.....	69
Unemployment Insurance.....	55	Workmen's Compensation.....	69
Wages and Hours—All Work-			
ers.....	56	<b>LOUISIANA:</b>	
Workmen's Compensation.....	56	Wages—Wage Garnishment..	70
<b>IDAHO:</b>		<b>MAINE:</b>	
Child Labor and School At-		Child Labor and School At-	
tendance.....	57	tendance.....	71
Discrimination in Employ-		Hours of Work.....	71
ment.....	57	Industrial Relations.....	71
Occupational Health and		Occupational Health and	
Safety.....	57	Safety.....	71
Unemployment Insurance.....	58	Unemployment Insurance.....	72
Workmen's Compensation.....	58	Wage Payment and Wage	
		Collection.....	73
<b>ILLINOIS:</b>		Wages and Hours—All Workers..	73
Discrimination in Employ-		Workmen's Compensation.....	74
ment.....	59		
Migratory Workers.....	60	<b>MARYLAND:</b>	
Occupational Health and		Child Labor and School At-	
Safety.....	61	tendance.....	76
Unemployment Insurance.....	61	Industrial Relations.....	76
Wage Payment and Wage		Unemployment Insurance.....	76
Collection.....	62	Workmen's Compensation.....	76
Wages—Assignment of Wages..	62		
Wages—Prevailing Wages....	63	<b>MASSACHUSETTS:</b>	
Wages—Wage Garnishment..	63	Child Labor and School At-	
Workmen's Compensation.....	64	tendance.....	78
		Emergency Relaxations.....	78
<b>INDIANA:</b>		Hours of Work.....	78
Child Labor and School At-		Industrial Relations.....	79
tendance.....	65	Occupational Health and	
Discrimination in Employ-		Safety.....	79
ment.....	65	Unemployment Insurance.....	80
Occupational Health and		Wage Payment and Wage	
Safety.....	66	Collection.....	80
Workmen's Compensation.....	66	Wages—Prevailing Wages....	81



	Page		Page
<b>MASSACHUSETTS—Continued</b>		<b>NEW JERSEY:</b>	
Wages and Hours—All Workers.....	81	Migratory Workers.....	94
Workmen's Compensation.....	81	Occupational Health and Safety.....	94
<b>MINNESOTA:</b>		Temporary Disability Insurance.....	95
Discrimination in Employment.....	82	Unemployment Insurance.....	95
Wages—Wage Garnishment.....	82	Workmen's Compensation.....	96
<b>MISSOURI:</b>		<b>NEW MEXICO:</b>	
Discrimination in Employment.....	83	Unemployment Insurance.....	96
Unemployment Insurance.....	83	Wages—Wage Garnishment.....	96
Workmen's Compensation.....	84	Workmen's Compensation.....	96
<b>MONTANA:</b>		<b>NEW YORK:</b>	
Child Labor and School Attendance.....	84	Apprenticeship.....	97
Discrimination in Employment.....	84	Child Labor and School Attendance.....	98
Older Workers.....	84	Discrimination in Employment.....	98
Unemployment Insurance.....	85	Emergency Relaxations.....	98
Wages—Prevailing Wages.....	86	Hours of Work.....	99
Workmen's Compensation.....	87	Industrial Relations.....	99
<b>NEBRASKA:</b>		Migratory Workers.....	101
Child Labor and School Attendance.....	88	Occupational Health and Safety.....	102
Industrial Relations.....	88	Older Workers.....	102
Unemployment Insurance.....	88	Private Employment Agencies.....	102
Workmen's Compensation.....	89	Temporary Disability Insurance.....	102
<b>NEVADA:</b>		Unemployment Insurance.....	103
Child Labor and School Attendance.....	89	Wages and Hours—All Workers.....	103
Discrimination in Employment.....	89	Workmen's Compensation.....	103
Hours of Work.....	90	Miscellaneous.....	104
Unemployment Insurance.....	90	<b>NORTH CAROLINA:</b>	
Workmen's Compensation.....	90	Hours of Work.....	105
<b>NEW HAMPSHIRE:</b>		Migratory Workers.....	105
Occupational Health and Safety.....	92	Occupational Health and Safety.....	105
Private Employment Agencies.....	92	Unemployment Insurance.....	106
Unemployment Insurance.....	93	Wages and Hours—All Workers.....	107
Workmen's Compensation.....	93	Workmen's Compensation.....	107
		<b>NORTH DAKOTA:</b>	
		Child Labor and School Attendance.....	107

	Page		Page
<b>NORTH DAKOTA—Continued</b>		<b>PENNSYLVANIA—Continued</b>	
Industrial Relations.....	108	Occupational Health and Safety.....	127
Occupational Health and Safety.....	109	Physical Examinations.....	127
Unemployment Insurance.....	110	Unemployment Insurance.....	128
Wage Payment and Wage Collection.....	110	Wage Payment and Wage Collection.....	128
Workmen's Compensation.....	110	Wages—Prevailing Wages.....	129
		Wages and Hours—All Workers.....	130
<b>OHIO:</b>		Workmen's Compensation.....	131
Apprenticeship.....	111	<b>PUERTO RICO:</b>	
Discrimination in Employment.....	111	Child Labor and School Attendance.....	133
Hours of Work.....	111	Hours of Work.....	133
Occupational Health and Safety.....	111	Industrial Relations.....	133
Older Workers.....	112	Migratory Workers.....	134
Private Employment Agencies.....	112	Wage Payment and Wage Collection.....	135
Unemployment Insurance.....	112	Workmen's Compensation.....	135
Workmen's Compensation.....	113		
Miscellaneous.....	113	<b>RHODE ISLAND:</b>	
<b>OKLAHOMA:</b>		Industrial Relations.....	135
Child Labor and School Attendance.....	114	Temporary Disability Insurance.....	136
Migratory Workers.....	114	Unemployment Insurance.....	136
Unemployment Insurance.....	114	Workmen's Compensation.....	137
Workmen's Compensation.....	114		
<b>OREGON:</b>		<b>SOUTH CAROLINA:</b>	
Child Labor and School Attendance.....	116	Occupational Health and Safety.....	138
Industrial Relations.....	117	Unemployment Insurance.....	138
Migratory Workers.....	119	Wage Payment and Wage Collection.....	139
Occupational Health and Safety.....	120	Workmen's Compensation.....	139
Private Employment Agencies.....	122		
Unemployment Insurance.....	122	<b>SOUTH DAKOTA:</b>	
Wage Payment and Wage Collection.....	123	Unemployment Insurance.....	139
Workmen's Compensation.....	124		
<b>PENNSYLVANIA:</b>		<b>TENNESSEE:</b>	
Apprenticeship.....	124	Child Labor and School Attendance.....	141
Child Labor and School Attendance.....	125	Occupational Health and Safety.....	141
Discrimination in Employment.....	126	Unemployment Insurance.....	142
Industrial Relations.....	127	Workmen's Compensation.....	142
Migratory Workers.....	127	<b>TEXAS:</b>	
		Child Labor and School Attendance.....	143
		Hours of Work.....	143

	Page		Page
<b>TEXAS—Continued</b>		<b>WASHINGTON—Continued</b>	
Occupational Health and Safety.....	143	Wages and Hours—All Workers.....	152
Private Employment Agencies.....	144	Workmen's Compensation....	153
Unemployment Insurance....	144	<b>WEST VIRGINIA:</b>	
Workmen's Compensation....	145	Discrimination in Employment.....	154
<b>UTAH:</b>		Unemployment Insurance....	154
Apprenticeship.....	145	Wages—Prevailing Wages....	155
Occupational Health and Safety.....	146	Wages—Wage Garnishment..	156
Unemployment Insurance....	146	Workmen's Compensation....	156
Wages—Prevailing Wages....	146	<b>WISCONSIN:</b>	
Workmen's Compensation....	146	Child Labor and School Attendance.....	157
<b>VERMONT:</b>		Discrimination in Employment.....	157
Apprenticeship.....	147	Industrial Relations.....	157
Unemployment Insurance....	147	Migratory Workers.....	158
Workmen's Compensation....	148	Occupational Health and Safety.....	159
<b>WASHINGTON:</b>		Unemployment Insurance....	159
Apprenticeship.....	149	Wages—Equal Pay.....	160
Child Labor and School Attendance.....	149	Wages—Prevailing Wages....	160
Discrimination in Employment.....	150	Workmen's Compensation....	160
Industrial Relations.....	150	<b>WYOMING:</b>	
Occupational Health and Safety.....	150	State Department of Labor....	161
Older Workers.....	151	Workmen's Compensation....	162
		<b>UNITED STATES.....</b>	<b>163</b>

**PART II—1962**

	Page		Page
<b>INTRODUCTION.....</b>	<b>171</b>	<b>CALIFORNIA:</b>	
<b>ALASKA:</b>		Migratory Workers.....	183
Unemployment Insurance....	179	Occupational Health and Safety.....	183
Wages and Hours—All Workers.....	180	Workmen's Compensation....	183
Workmen's Compensation....	180	<b>COLORADO:</b>	
<b>ARIZONA:</b>		Child Labor and School Attendance.....	184
Child Labor and School Attendance.....	181	Migratory Workers.....	184
Hours of Work.....	182	<b>DELAWARE:</b>	
Unemployment Insurance....	182	Unemployment Insurance....	184
Wages—Equal Pay.....	182	Wages—Prevailing Wages....	184
		Workmen's Compensation....	185



	Page		Page
DISTRICT OF COLUMBIA:		MASSACHUSETTS—Continued	
Unemployment Insurance.....	185	Occupational Health and Safety.....	197
GEORGIA:		Older Workers.....	198
Industrial Relations.....	186	State Department of Labor....	198
Occupational Health and Safety.....	186	Unemployment Insurance.....	199
HAWAII:		Wages and Hours—All Workers.....	199
Wages and Hours—All Workers.....	187	Workmen's Compensation.....	200
KANSAS:		MICHIGAN:	
Occupational Health and Safety.....	188	Discrimination in Employment.....	200
KENTUCKY:		Industrial Relations.....	200
Industrial Relations.....	188	State Department of Labor....	201
Occupational Health and Safety.....	188	Unemployment Insurance.....	201
State Department of Labor....	189	Wages—Equal Pay.....	201
Unemployment Insurance.....	189	MISSISSIPPI:	
Wages—Prevailing Wages....	190	Industrial Relations.....	202
Workmen's Compensation....	191	Occupational Health and Safety.....	202
LOUISIANA:		Private Employment Agencies..	202
Child Labor and School Attendance.....	192	Unemployment Insurance.....	203
Industrial Relations.....	192	Workmen's Compensation....	203
Occupational Health and Safety.....	193	NEW JERSEY:	
Unemployment Insurance.....	194	Apprenticeship.....	203
Workmen's Compensation....	194	Child Labor and School Attendance.....	203
MARYLAND:		Discrimination in Employment.....	204
Apprenticeship.....	194	Industrial Relations.....	205
Discrimination in Employment.....	195	Occupational Health and Safety.....	206
Occupational Health and Safety.....	195	Older Workers.....	207
Older Workers.....	195	Unemployment Insurance.....	207
Workmen's Compensation....	195	Workmen's Compensation....	207
MASSACHUSETTS:		Miscellaneous.....	208
Child Labor and School Attendance.....	195	NEW YORK:	
Discrimination in Employment.....	196	Apprenticeship.....	208
Emergency Relaxations.....	196	Child Labor and School Attendance.....	208
Hours of Work.....	196	Discrimination in Employment.....	210
Industrial Homework.....	196	Emergency Relaxations.....	210
Industrial Relations.....	196	Industrial Relations.....	211
		Migratory Workers.....	212
		Occupational Health and Safety.....	213
		Physical Examinations.....	214

	Page		Page
<b>NEW YORK—Continued</b>		<b>SOUTH CAROLINA:</b>	
Private Employment Agencies.....	214	Industrial Relations.....	223
State Department of Labor....	214	Occupational Health and Safety.....	223
Unemployment Insurance.....	215	Unemployment Insurance....	224
Wage Payment and Wage Collection.....	215	<b>TEXAS:</b>	
Wages—Wage Garnishment....	215	Migratory Workers.....	224
Wages and Hours—All Workers.....	215	<b>VIRGINIA:</b>	
Workmen's Compensation....	216	Child Labor and School Attendance.....	225
Miscellaneous.....	218	Hours of Work.....	225
<b>PUERTO RICO:</b>		Industrial Relations.....	225
Hours of Work.....	218	Migratory Workers.....	225
Migratory Workers.....	218	Occupational Health and Safety.....	226
Occupational Health and Safety.....	219	Older Workers.....	227
Private Employment Agencies.....	219	Private Employment Agencies..	227
State Department of Labor....	219	State Department of Labor....	227
Unemployment Insurance....	219	Unemployment Insurance.....	229
<b>RHODE ISLAND:</b>		Wage Payment and Wage Collection.....	231
Child Labor and School Attendance.....	220	Wages—Public Works.....	231
Discrimination in Employment.....	220	Workmen's Compensation....	231
Hours of Work.....	220	<b>WEST VIRGINIA:</b>	
Migratory Workers.....	221	Child Labor and School Attendance.....	232
Occupational Health and Safety.....	221	Workmen's Compensation....	233
Occupational Limitations for Women.....	221	<b>WISCONSIN:</b>	
Older Workers.....	221	Discrimination in Employment.....	234
Temporary Disability Insurance.....	222	Industrial Relations.....	234
Unemployment Insurance....	222	Wages—Equal Pay.....	235
Wages and Hours—All Workers.....	222	Workmen's Compensation....	235
Workmen's Compensation....	223	<b>UNITED STATES.....</b>	<b>235</b>
		<b>INDEX TO TOPICAL HEADINGS..</b>	<b>241</b>





*Part I*

Annual Digest

Laws Enacted in 1961



## INTRODUCTION

**S**IGNIFICANT improvements in several areas of labor law were made in 1961, when the legislatures of 47 States and Puerto Rico met in regular session. Pennsylvania extended its minimum wage law to men and set a statutory minimum wage. Discrimination in employment on account of race, creed, color, or national origin was prohibited in Idaho, Illinois, and Missouri; and Kansas made its formerly voluntary act mandatory. Discrimination because of age was prohibited in California, Ohio, and Washington. Farmworkers were brought under the temporary disability insurance law in California and under the workmen's compensation law in Wisconsin. Migrant labor camps were made subject to regulation in Illinois, and transportation of farmworkers, in North Carolina. New Mexico established a subsequent injury fund under its workmen's compensation law to promote the employment of handicapped persons, and provisions for rehabilitation of injured workers were enacted in Maine, Montana, and Pennsylvania. A labor relations act was adopted in North Dakota; laws to curb strikebreaking were approved in Delaware, Maryland, and Washington. The growing development of peaceful uses of atomic energy continued to be accompanied by laws in a number of States to promote such development, to control radiation hazards, and to assure workmen's compensation benefits to injured workers.

**Apprenticeship.**—Pennsylvania made statutory provision for an apprenticeship council in the labor department, formerly set up under administrative authority. Colorado repealed its former apprenticeship law which was administered by the State Board for Vocational Education and enacted a new law providing for an apprenticeship council within the labor department. A Vermont amendment made the labor department, rather than the education department, responsible for related and supplementary instruction, and in New York the Industrial Commission rather than the Apprenticeship Council was given primary responsibility for administering the apprenticeship program.

**Child Labor and School Attendance.**—Minimum age provisions were amended in four States and Puerto Rico. Alabama and Tennessee permitted children of 14 or 15 who are lawfully excused from school attendance to be employed in nonhazardous work during school hours; the Tennessee amendment permitted such children to work until 10 p.m. rather than 7 p.m. Children of 14 in Puerto Rico may now work in factories outside school hours, and in Maine, children 14 and 15 may now work in automatic laundries and in retail establishments where frozen dairy products are manufactured on the premises. The minimum age in Florida was lowered from 16 to 12 for employment outside school hours in any factory, mechanical establishment, or laundry, and for boys as messengers; pages in the State legislature were exempted from all provisions of the child labor law.

Minimum ages for hazardous occupations were affected by amendments in Florida, Maryland, and Wisconsin. Florida prohibited the spraying of insecticides or other toxic substances by minors under 16; it exempted from the 16-year minimum for operating power-driven machinery, the operating of power mowers having cutting blades of 24 inches or less. Maryland reduced the minimum age for girls working in restaurants from 18 to 16. Wisconsin exempted work on or about small pleasure and fishboat liveries and piers from the 18-year minimum for work on docks.

In Pennsylvania, special permits were authorized for minors between 7 and 18 years of age to engage in theatrical productions, concerts, modeling, radio and television, and similar performances.

Hours and nightwork standards for boys 16–18 and girls 16–21 years of age were extended by Massachusetts to various occupations not formerly covered—for example, application to beauty culture, weight-reducing, and similar establishments of the 9–48 provision and the prohibition on nightwork between 10 p.m. and 6 a.m. In Alabama, nightwork was prohibited for children under 16 between 8 p.m. and 7 a.m. throughout the year instead of between 7 p.m. and 7 a.m. during the school term only. An Oregon amendment permitted minors under 16 to work until 10 p.m. rather than 6 p.m. on special permit from the Wage and Hour Commission. Pennsylvania, among other changes in its standards for work outside school hours, set a maximum 28-hour workweek for minors 16–18 years of age who are enrolled in school.

Special programs to provide summer jobs and outdoor training for boys were adopted in Idaho, Oregon, and Washington.

The Tennessee workmen's compensation law was amended to specify that both legally and illegally employed minors are covered. A California amendment required agricultural employers, like other



employers under the workmen's compensation law, to pay additional compensation if a minor under 16 is injured while illegally employed.

**Discrimination in Employment.**—Mandatory laws prohibiting discrimination in employment because of race, creed, color, or national origin were enacted in Idaho, Illinois, and Missouri; and Kansas made its voluntary act mandatory. There are now 21 States<sup>1</sup> and Puerto Rico which make such discrimination unlawful. Voluntary acts were passed in Nevada and West Virginia.

**Emergency Relaxations.**—Massachusetts and New York extended for another year acts permitting relaxation of certain labor laws during emergencies. The California law was not extended, and therefore expired on the 91st day after final adjournment of the legislature.

**Hours of Work.**—Amendments in the laws regulating hours of work in California, Maine, Massachusetts, Nevada, North Carolina, Ohio, and Texas for the most part made modifications in coverage or exemptions. For example: In Maine, the coverage of the hours law for females was extended to retail establishments where frozen dairy products are manufactured on the premises; in Massachusetts, the 9-48 law was extended to beauty culture, weight-reducing, and similar establishments; in Nevada the law governing meal and rest periods for women was extended to employees in the communications industry; and in Texas, women in executive, administrative, professional, or outside sales positions were exempted from the 9-54 law. The Texas amendment also reduced the required overtime rate for emergency work from double time to time and one-half the regular rate.

In New York, revision of the hours provisions for drivers of motor trucks or buses newly included a maximum of 60 hours' driving time in a calendar week.

**Industrial Relations.**—North Dakota enacted a labor relations act, thus making 13 States and Puerto Rico which have labor relations acts of general application.<sup>2</sup> Oregon adopted a labor relations act applying to licensed professional and practical nurses employed in health care facilities. Another Oregon act, of general application, set up a 3-member labor-management relations board to administer procedures provided in the act for selecting bargaining agents. A

<sup>1</sup> Alaska, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin.

<sup>2</sup> Colorado, Connecticut, Hawaii, Kansas, Massachusetts, Michigan, Minnesota, New York, North Dakota, Pennsylvania, Rhode Island, Utah, and Wisconsin.

State mediation service was established in the Delaware department of labor.

Public employees were guaranteed the right to join unions in California and public agencies were required to meet and confer with representatives of such unions upon request. Rhode Island made it the duty of cities and towns to bargain collectively with the labor organization selected by the majority of firefighters concerning wages, hours, and other working conditions; unresolved issues are to be submitted to arbitration.

"Antistrikebreaking" bills—generally providing that no person who is not directly involved in a labor dispute may recruit persons to replace workers on strike or locked out—were introduced in about two-thirds of the legislative sessions. Such bills became law in Delaware, Maryland, and Washington.

Nebraska, through an amendment to its right-to-work law, prohibited the "agency shop," an arrangement under which a worker who does not choose to become a union member must pay a fee equivalent to membership dues to the union representing the plant's workers.

Oregon prohibited picketing by nonemployees of a place where perishable farm products are being harvested. Maine prohibited mass picketing, coercion, force, or obstruction to hinder work in connection with perishable food products. New York authorized the issuance of temporary injunctions in labor disputes involving perishable farm products after a less formal hearing process than is required generally under its anti-injunction act. Under an amendment to the North Dakota anti-injunction act, the court is no longer required to find that peace officers are unwilling or unable to furnish adequate protection before it may issue an injunction in a labor dispute.

**Migratory Workers.**—Illinois provided for the inspection and licensing of migrant labor camps by the Department of Public Health. The act set certain standards for camps and authorized the department to issue additional rules. Wisconsin required every "person," rather than every "employer," to get a permit before operating a migrant labor camp. California added to its provisions for regulating such camps a requirement for annual registration, and also called for a survey by the labor department of migrant housing needs and provided statutory authority to the health department for a migrant family health program.

The North Carolina Department of Motor Vehicles was directed to set up safety regulations for transportation of migratory farmworkers. Day-haul crew leaders were required to register in New Jersey, and growers bringing in 5 or more, rather than 10 or more, migrant workers were required to register in New York. Colorado,

Oregon, Pennsylvania, and Wisconsin took action to extend educational opportunities for children of migratory workers. The Legislative Council in Colorado was authorized to continue the study of migrant labor problems begun in 1960.

Legislation affecting farmworkers generally included coverage of such workers under the Wisconsin's workmen's compensation act and under the California temporary disability insurance law; the California law provides cash benefits if a worker loses time from his work because of nonoccupational illness. The California legislature established a special commission to study problems of labor-management relations in agriculture.<sup>3</sup>

**Occupational Health and Safety.**—In Delaware, the Labor Department was newly given general safety rulemaking authority. Oregon authorized the Labor Commissioner to issue boiler safety rules. In New York, rulemaking authority was extended to amusement devices and temporary structures at carnivals and fairs. Florida made its general safety provisions, which are incorporated in the workmen's compensation law, applicable also to employers who have elected not to accept the workmen's compensation law.

Legislation for radiation control included requirements for registration of certain radiation sources in Idaho, New Hampshire, Washington, and Wisconsin, and the authorization for such registration in Florida; requirement or authorization for licensing of certain operations in Arkansas, Florida, Indiana, and Tennessee; and rulemaking authority for control of radiation hazards in Idaho, New Hampshire, and Washington. Federal-State agreements were authorized in Arkansas, Florida, Idaho, Indiana, and Washington to transfer certain regulatory authority for radiation control from the Federal Government to the States, in accordance with a 1959 Federal law permitting such agreements. Six additional States—Alabama, Arkansas, Florida, South Carolina, Tennessee, and Texas—joined the Southern Interstate Nuclear Compact to promote the development of nuclear energy projects; Kentucky and Louisiana had entered in 1960.

**Older Workers.**—California, Ohio, and Washington this year prohibited employment discrimination against older workers, making 14 States<sup>4</sup> and Puerto Rico which have some type of legislation prohibiting age discrimination. The ages specified in prohibiting certain discriminatory practices were 40–64 in California, and 40–65 in

---

<sup>3</sup> Another action in California important to agricultural workers was the issuance of a minimum wage order setting a minimum rate of \$1 an hour for women and minors in farmwork.

<sup>4</sup> Alaska, California, Colorado, Connecticut, Delaware, Louisiana, Massachusetts, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin.



Ohio and Washington. The New York law was amended to specify the ages 40-65, rather than 45-65, in prohibiting certain practices.

**Private Employment Agencies.**—The Connecticut law was amended to regulate recruitment of domestic workers from outside the State. Temporary help agencies were exempted from coverage under the California and Oregon laws; in California certain conditions must be met. Oregon prohibited registration fees. Hawaii repealed fee standards set by law and instead gave the administrator authority to set maximum placement fees. New York specified additional prohibited practices: for example, an agency may not require applicants to subscribe to agency publications.

**State Department of Labor.**—Delaware abolished its former Labor Commission and transferred its functions to a newly created Department of Labor and Industrial Relations, composed of unpaid members. The law also placed the existing Unemployment Compensation Commission and the Industrial Accident Board under the department's authority, and newly provided for safety rulemaking and for a State Mediation Service.

**Temporary Disability Insurance.**—All four States with temporary disability insurance programs amended their laws in 1961. The maximum weekly benefit amount was increased in California from \$65 (for \$1,500 in high-quarter wages) to \$70 (for \$1,625 in high-quarter wages). For disability periods established after January 1, 1963, the maximum is to be the greater of \$70 or two-thirds of the average weekly total wages paid in covered employment during the second quarter of the preceding calendar year. Coverage provisions were adjusted to correspond more closely with those of the Federal Unemployment Tax Act, as amended in 1960, and coverage was extended to employers of one or more individuals performing services in agricultural labor, who are paid wages for such service in excess of \$100 during any calendar quarter. California also increased the tax wage base for employee contributions from \$3,600 to \$4,100 for 1962, and to higher amounts for succeeding years.

New Jersey enacted a provision permitting payment of disability benefits during periods of pregnancy for 4 weeks before the expected date of birth and 4 weeks after termination of pregnancy. New York amended its law to extend coverage to employers of one (formerly two) or more workers in 30 days.

Rhode Island adopted amendments providing that the waiting period week may be served in the last week of the old benefit year, and, under specified conditions, benefits may be paid for holidays and for



days preceding a benefit week to a claimant who has become ill a second time in a benefit year.

**Training and Retraining.**—The interest in training or retraining of unemployed workers found expression in a number of laws. Eight States—Idaho, Illinois, Missouri, Nebraska, Ohio, Pennsylvania, Rhode Island, and West Virginia—added provisions to their unemployment insurance laws allowing partial or full unemployment benefits to a worker, otherwise eligible for benefits, engaged in an approved training course; and California broadened its provision to allow benefits during periods of regular or extended duration (formerly, only extended duration). (Prior to 1961, provisions for benefits during training periods were included in the laws of California, the District of Columbia, Massachusetts, Michigan, New York, North Dakota, and Utah.)

California further authorized its Apprenticeship Council, together with other State agencies, to promote job training programs other than apprenticeship, including programs to keep workers abreast of new techniques in their fields and programs to train displaced workers for new occupations. Ohio created a worker training committee composed of representatives of State agencies, the legislature, employers, and labor, to assist in establishing training and retraining programs for unemployed workers whose job skills are limited or obsolescent. A Pennsylvania law authorized the State Apprenticeship and Training Council to make recommendations on training or retraining to improve or modernize the work skills of unemployed or employed persons.

**Unemployment Insurance.**—In 1961, significant additions to coverage under the unemployment insurance laws were enacted in two States. The basic maximum weekly benefit amount was raised in 15 States by amendment and in 6 States through the operation of a “flexible maximum.” Five States increased the maximum duration. The Puerto Rico law was brought into the Federal-State system on January 1, 1961, as the result of a 1960 Federal enactment, and a number of States enacted necessary legislation permitting their officials to enter into agreements with Puerto Rico to take and process interstate claims.

*Coverage.*—Significant coverage provisions were enacted by the Hawaii and Idaho legislatures: The Hawaii law, effective May 22, 1961, covers domestic service if the cash remuneration paid by an employing unit for such service is \$225 or more per quarter. The Idaho law, effective January 1, 1962, extends mandatory coverage, with some few exceptions, to local government employees. Fourteen

States amended their laws to extend coverage to services performed for Federal instrumentalities, nonprofit organizations, "feeder" organizations (organizations engaged in commercial enterprises whose profits are payable to a nonprofit organization), and aircraft employment which were covered under Federal law by 1960 amendments to the Federal Unemployment Tax Act (P.L. 86-778).

*Weekly benefit amount.*—The basic maximum weekly benefit amount was increased in 15 States. The increase amounted to: \$1 in Maine; \$2 in Montana, New Hampshire, and West Virginia; \$3 in Idaho and North Carolina; \$4 in Alabama and North Dakota; \$6 in Illinois; \$7 in Missouri; \$8 in South Carolina; \$9 in Texas; \$10 in Delaware and Hawaii; and \$15 in New Jersey. The increases were effected in Idaho and South Carolina as a result of the enactment of "flexible maximum" benefit provisions, which require the maximum weekly benefit amount to be a specified percentage of the State's average weekly wage. The operation of flexible maximums, adopted in previous years by six other States, resulted this year in increasing the maximum weekly benefit amounts in Colorado, Vermont, and Wyoming by \$2, and increases of \$1 in Kansas, Utah, and Wisconsin.

The minimum weekly benefit amount was raised by \$1 in North Carolina; by \$2 in Idaho, Maine, New Hampshire, South Carolina; by \$3 in Alabama and Texas; and by \$5 in Montana.

Seven States changed the formula for computing the individual's weekly benefit amount. California decreased slightly the high-quarter wages, and New Jersey increased slightly the average weekly wage necessary to qualify for specific benefit amounts; Florida changed from a high-quarter to an average weekly wage formula; South Carolina changed from a weighted high-quarter formula to a uniform fraction of high-quarter wages; Texas increased the high-quarter fraction from  $\frac{1}{26}$  to  $\frac{1}{25}$ ; Montana decreased the fractions in its weighted high-quarter formula; and Wisconsin amended slightly its method of computing the average weekly wage.

*Duration.*—Alabama increased the maximum duration of benefits from 20 to 26 weeks; Texas, from 24 to 26 weeks. West Virginia increased its uniform duration from 24 to 26 weeks, and Montana changed its duration provision from a uniform 22 weeks to an unusual variable of 13, 20, or 26 weeks, with more restrictive earnings requirements for each of the two longer duration periods. Delaware increased its duration fraction from 29 to 37 percent of base-period earnings; Texas increased its fraction from 25 to 27 percent.

Delaware and New York enacted temporary, and Hawaii permanent, programs for temporary extensions of duration during periods of high unemployment. The Delaware program provided benefits

equal to one-half of the total weeks to which the individual was previously entitled, for individuals who had exhausted their regular benefits after October 31, 1960. Benefits were paid under this program until Federal Temporary Extended Unemployment Compensation benefits became payable in April 1961.

The New York program provides for a 13-week extension of benefits when the rate of unemployment and the exhaustion ratio in the State reach a prescribed level. This program, which remains in effect until April 1, 1962, has also been superseded by the Federal program for temporary extended duration of benefits.

Hawaii adopted a permanent program of 13 weeks of benefits (outside the regular unemployment insurance law) to provide additional compensation for workers unemployed as a result of a natural or manmade disaster, and for unemployed workers in counties where the rate of unemployment is 6 percent or more.

*Qualifying requirements.*—Higher earnings, or earnings over a longer period, are required in eight States, as a result of specific amendments or changes in the minimum benefit amount, before a claimant may be eligible for any benefits. Four States increased their flat minimum base-period qualifying amounts: by \$50 in Illinois and North Carolina; by \$100 in Maine and New Hampshire. South Carolina increased its minimum base-period qualifying wage requirement and its high-quarter requirement by \$60; Montana increased its high-quarter requirement by \$115; Idaho increased its base-period wage requirement from \$472 to \$572; Alabama adopted a one and one-half times high-quarter requirement. In addition, Illinois increased the earnings required outside the high quarter; New Hampshire now requires \$100 in each of two quarters; and North Carolina requires some wages in at least two quarters. Except for Maine and New Hampshire, all States which raised the maximum weekly benefit amount require increased wages to qualify for the new maximum. California, however, reduced the amount of wages needed to qualify for its maximum from \$1,500 to \$1,410.

Wisconsin amended its requirement of 18 weeks of employment to provide an alternate qualifying requirement which specifies that an individual who has had at least 14 but less than 18 weeks of employment in the 52 weeks immediately preceding his unemployment may qualify if he has 55 or more weeks of employment in the 104 weeks preceding his unemployment.

Alabama, Delaware, North Carolina, North Dakota, and South Dakota enacted legislation requiring claimants who have received benefits in a preceding benefit year to have specified earnings, ranging from 4 to 10 times the weekly benefit amount, subsequent to the beginning of that benefit year, in order to qualify for benefits in the immediately



following benefit year. California amended its law to provide that twice the amount of disability insurance and workmen's compensation benefits received by an individual may be considered as wages for purposes of satisfying its requalifying provision.

Montana and Texas reinstated a 1-week waiting period provision before benefits are payable for total unemployment, but the waiting week becomes compensable in Texas after the claimant has been paid benefits in his current benefit year equal to four times his weekly benefit amount. Hawaii amended its law to provide that the waiting period week is compensable if the claimant is entitled to benefits for each of 12 consecutive weeks following the waiting period, and in Rhode Island, the waiting period for the second benefit year may now be served in the last week of the old benefit year.

*Availability.*—The most significant change made in the requirements that claimants be available for work was the adoption by nine States (California, Idaho, Illinois, Missouri, Nebraska, Ohio, Pennsylvania, Rhode Island, and West Virginia) of legislation providing specifically that an individual shall not be considered unavailable for work while attending, under specified conditions, certain vocational training courses approved by the director of the employment security agency.

*Disqualifications.*—Thirteen States made changes in one or more of the three major causes of disqualification—voluntary leaving work, refusal of suitable work without good cause, and discharge for misconduct. Four States, Idaho, Maine, Montana, and Texas, changed the period or the nature of the disqualification for all three causes.

Disqualification for all three causes in Idaho is now for the duration of the unemployment and until the individual has earned wages equal to eight times his weekly benefit amount, instead of 30 days of bona fide work. Texas and Montana increased the period of disqualification for all three causes. Maine changed the disqualification period for voluntary leaving and discharge for misconduct from a specified number of weeks to the duration of the unemployment and until the individual has earned at least 15 and 20 times his weekly benefit amount respectively; the period for refusal of suitable work was changed to the duration of the unemployment and until he has earned at least 15 times his weekly benefit amount.

*Financing.*—Approximately one-half of the States that convened in 1961 amended the experience rating or financing provisions of their laws. Four States raised the taxable wage base: California, from \$3,600 to \$3,800; and Hawaii, Massachusetts, and West Virginia, from \$3,000 to \$3,600. California and Delaware repealed provisions which would suspend the operation of reduced rates when the fund balance



is less than specified amounts, and adopted new solvency provisions which require, or would require, supplemental contribution rates. New Jersey, North Dakota, and South Dakota increased, and California decreased, the standard rate.

**Wage Standards.**—Pennsylvania in 1961 extended coverage of its minimum wage law to men, and set a statutory minimum wage of \$1 an hour. The wage board procedure was retained; wage boards may not recommend rates below 85 cents an hour.

Washington and Connecticut raised their basic statutory minimum wages from \$1 to \$1.15 an hour, the Washington rate to be increased to \$1.25 an hour in January 1962 and the Connecticut rate in October 1963. The \$1.15 rate in Connecticut will not apply to hotel and restaurant workers until May 1962, and the \$1.25 rate not until May 1964. An 85-cent rate was set in this State for learners and persons under 18, to go to 95 cents in October 1963.

A wage payment law was enacted in Pennsylvania to replace its former provisions for wage payment twice a month unless otherwise stipulated in the hiring contract. The new law requires regular paydays, regulates holdover periods and pay on termination of employment, and authorizes the Secretary of Labor to take assignments of wage claims. The Oregon wage payment law was made applicable to all employers.

Pennsylvania also adopted a prevailing wage law, under which rates are to be determined by the Secretary of Labor for public works contracts over \$2,000. This law replaces provisions held by the court to be insufficient authority to require payment of prevailing wages. Illinois, Massachusetts, Montana, and West Virginia made clarifying and strengthening changes in their laws. Connecticut exempted work on public buildings if the project cost is less than \$5,000.

The potential maximum amount of wages exempt from garnishment was raised in 5 States, either by directly increasing the amount exempted or by revising the exemption formula.

Wisconsin was added to the roster of States with equal pay laws, through an amendment to its fair employment practice act. There are now 21 States with equal pay provisions: Alaska, Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Maine, Massachusetts, Michigan, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, Wisconsin, and Wyoming.

**Workmen's Compensation.**—Cash benefit increases were adopted in 18 States and the District of Columbia. Maximum weekly benefits for death and all types of disability were raised in the District of

Columbia and 12 States: Alabama, Connecticut,<sup>5</sup> Illinois, Massachusetts, Missouri, Montana, New Hampshire, Pennsylvania, Utah, Washington, West Virginia, and Wisconsin. Total maximum benefits were also raised in several of these States. Six other States—California, Maryland, Nevada, North Dakota, Rhode Island, and Wyoming—raised weekly or total maximum benefits for some, but not all, types of injuries. By the end of the year, maximum weekly benefits for temporary total disability—the most frequent type of compensable disability—were set at \$70 or more by 6 States and the District of Columbia, \$50 or more but less than \$70 by 12 States, \$40 or more but less than \$50 by 13 States, and \$30 or more but less than \$40 by 19 States and Puerto Rico.<sup>6</sup>

Seven States raised medical benefits—Alabama, Colorado, Kansas, New Hampshire, Rhode Island, Vermont, and West Virginia. Additional provisions for prosthetic and special appliances were also enacted in one of these, Alabama, and in Connecticut, Illinois, and Pennsylvania.

The provisions for burial benefits were liberalized in eight States: Alabama, Arkansas, Hawaii, Illinois, Missouri, Pennsylvania, Texas, and Vermont.

New Mexico established a subsequent injury fund, Kansas made its subsequent injury provisions applicable to a wider range of disabilities, and the Colorado provisions were made applicable to occupational diseases.

Six States—Idaho, Illinois, Indiana, Nevada, Oklahoma, and Wisconsin—liberalized time limits for compensability or for filing claim for radiation diseases; similar amendments in Colorado, Hawaii, and Vermont applied to a number of occupational diseases.

Changes in coverage included extension to farmworkers in Wisconsin (if the farmer employs 6 or more workers for 20 days during a calendar year), to additional occupational diseases in Colorado and Vermont, and to various groups of public employees or volunteers doing public service in about a dozen States, and elimination of numerical exemptions in New York.

---

<sup>5</sup> The Connecticut maximum amount is set by law at 55 percent of the State's average weekly production wage as determined annually by the State labor commissioner.

<sup>6</sup> \$70 or more: Alaska, Arizona, California, District of Columbia, Hawaii, Massachusetts, Washington.

\$50-\$70: Connecticut, Delaware, Illinois, Michigan, Montana, Nevada, New York, North Dakota, Oregon, Utah, Wisconsin, Wyoming.

\$40-\$50: Colorado, Florida, Idaho, Iowa, Maryland, Minnesota, Missouri, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont.

\$30-\$40: Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Mississippi, Nebraska, New Mexico, North Carolina, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia.

Colorado and Vermont made partial disability from occupational diseases compensable. Benefits for silicosis were increased in Nevada, Pennsylvania, and Wisconsin. Washington raised the level of benefits currently payable under prior awards for permanent total disability or death.

Rehabilitation provisions were newly included in the workmen's compensation laws of Maine and Montana. Maximum weekly benefits of \$20 for living and travel expenses, in addition to workmen's compensation benefits, were provided in Maine; and \$30 for living expenses, plus expenses for travel, tuition, and school supplies in Montana, in addition to workmen's compensation benefits. A Pennsylvania law authorized the State Board of Vocational Rehabilitation to provide services as necessary to disabled workers entitled to benefits under the workmen's compensation and occupational disease laws.

**Federal Legislation.**—The Fair Labor Standards Act was amended to raise the minimum wage for workers already covered from \$1 to \$1.15 for 2 years and then to \$1.25, and to extend coverage to about 3.6 million additional workers, at a minimum wage of \$1 rising to \$1.25 after 4 years. Workmen's compensation benefits under the Longshoremen's and Harbor Workers' Compensation Act were raised from \$54 to \$70 weekly maximum. Under an Area Redevelopment Act, a 4-year program was authorized to assist economic redevelopment in areas of substantial and persistent unemployment, including loans for purchase of land and facilities and grants for job training and retraining of the unemployed and underemployed. Other legislation of aid to unemployed persons was the authorization of temporary extended unemployment compensation for persons who exhaust benefits under State and Federal laws before April 1, 1962.

Other significant enactments included extension of the Mexican farm program through 1963, and inclusion of prevailing wage provisions in the Federal-Aid Highway Act of 1961, the Community Health Services and Facilities Act of 1961, and the act for a Delaware River Basin Compact. The Social Security Act was amended to improve benefits under Old Age and Survivors Insurance and public assistance programs, and conforming changes were made in the Railroad Retirement Act.



## ALABAMA

[Regular Session 5/2/61-9/1/61]

[First Special Session 9/11/61-9/15/61]

## CHILD LABOR AND SCHOOL ATTENDANCE

**Act 273** (*Approved and effective 9/15/61*). Prohibits the employment of minors under 16 in any gainful occupation except agriculture and domestic service between 8 p.m. and 7 a.m., rather than after 7 p.m. and, during the regular school term, before 7 a.m.

Amends the provision setting a minimum age of 16 for employment during school hours to permit minors 14 and 15 years of age to be employed in nonhazardous work when school attendance has been waived and a certificate has been issued upon recommendation of the area superintendent of education and the chief child labor inspector. Specifies that hours restrictions will not be waived.

Makes several changes in the hazardous occupations provisions. Prohibits the employment of minors under 16 in welding or as fire-fighters. (Such employment was already prohibited by order of the State Board of Health.) Permits minors 14 years of age to be employed at concession stands in theaters and concert halls. (Retains the 16-year minimum age for employment otherwise in connection with theatrical performances, exhibits, or shows, or upon the stage of theaters and concert halls.) Sets a minimum age of 18, rather than 21, for employment in any poolroom or billiard room.

Provides that boys under 16 working in street trades must secure and carry a permit, rather than a badge.

(Amends Code 1940, Title 26, secs. 344, 347, 349, 353, 354, 357, 362, 363, 365, 366, and 367, and repeals sec. 364.)

## OCCUPATIONAL HEALTH AND SAFETY

**Act 52** (*Approved 9/15/61; effective 10/1/61*). Provides for the entrance of Alabama into the Southern Interstate Nuclear Compact.

The compact declares that the proper employment of nuclear energy can assist substantially in the industrialization of the South, and that optimum benefit from an acquisition of nuclear resources and facilities requires systematic encouragement, guidance, and assistance from the party States on a cooperative basis.

The compact specifies that any or all of 16 named southern States are eligible to join the compact, which is to become effective when enacted by 7 States. It creates the Southern Interstate Nuclear Board, composed of one member from each party State, provides for the financing of the board's budget by appropriation from each party



State, and authorizes the board to establish advisory and technical committees as it may deem necessary.

The compact empowers the board, among other things, to encourage the development and use of nuclear energy facilities; conduct programs of training for State and local personnel engaged in nuclear industry, medicine, education, or formulation of safety measures; study and recommend changes in industrial, health, safety, and other laws, regulations, and administrative practices of the party States; and act as licensee of the United States Government or any party State with respect to the conduct of research activity. It provides that nothing in the compact shall permit the board to exercise any regulatory authority, or own or operate any nuclear reactor for the generation of electric energy, or own or operate any installation for commercial purposes.

## UNEMPLOYMENT INSURANCE

**Ch. 274** (*Approved and effective 9/15/61*). Increases the maximum weekly benefit amount from \$28 (for more than \$715 in high-quarter earnings) to \$32 (for more than \$819 in high-quarter earnings). Changes the minimum weekly benefit amount from \$6 (for more than \$112 in high-quarter earnings) to \$9 (for more than \$221 in high-quarter earnings). Changes the qualifying wage requirement from 35 times the weekly benefit amount to  $1\frac{1}{2}$  times high-quarter wages.

Provides that lag-period wages may be used for a subsequent benefit year only if an individual earns 8 times his weekly benefit amount after the beginning of his preceding benefit year.

Effective for benefit years established after September 15, 1961, increases maximum duration from 20 to 26 weeks. This increase is also applicable to individuals in a current benefit year who have not exhausted their benefits prior to this date.

Changes the maximum reduction in benefits for fraudulent misrepresentation from \$440 to "the maximum benefit amount payable in a benefit year."

Beginning with wages paid after January 1, 1962, increases the employee tax rate from 0.1 percent to 0.25 percent. Provides for an increase from 0.25 to 0.5 percent if, under specified fund conditions, the employer's rate is at the maximum. Increases the maximum possible rate for employers from 2.7 to 3.6 percent.

**Ch. 551** (*Approved 8/23/61; effective 10/1/61*). Provides for mandatory coverage of certain employees of Walker County on a reimbursable basis.

**WORKMEN'S COMPENSATION**

**Act 282** (*Approved 8/7/61; effective 8/1/61*).

**Act 577** (*Approved 8/29/61; effective 8/1/61*).

**Act 756** (*Approved and effective 9/8/61*).

**Act 838** (*Approved and effective 9/8/61*). All these acts concern provisions for workmen's compensation coverage or similar benefits for public employees. Act 282 repeals a 1955 act (Act 53) which required workmen's compensation coverage for employees of counties with population of 94,000 to 134,000 with certain exceptions, such as officials who are elected or appointed by the Governor, public school teachers and employees, hospital employees, and employees of the county health and welfare departments.

Act 577 requires the governing board of any county with population of 100,000 to 115,000 to provide workmen's compensation coverage for the employees of the county or any agency or instrumentality of the county, with certain exceptions. (The employees covered and exempted are the same as in the 1955 act which was repealed.)

Act 756 requires the governing board of any county with population of 19,500 to 20,000 to provide workmen's compensation coverage for its employees.

Act 838 authorizes the governing board of any county with population of 300,000 to 500,000 to appropriate county funds for death benefits corresponding to those under the workmen's compensation act.

(Under existing provisions of the Alabama law, voluntary coverage is authorized for any county, city, town, village, or school district; and there is compulsory coverage of the employees of Walker County.)

(Repeals Act 53, Laws of 1955.)

**Act 272** (*Approved and effective 9/15/61*). Raises from \$31 to \$33 the maximum weekly benefits for disability and death. Raises from \$12,400 to \$13,200 the total maximum benefits for permanent total disability.

Raises maximum medical benefits from \$1,200 to \$1,800, increases the benefit period from 6 months to 1 year, and specifies that the cost of original artificial members shall be included in the medical service to which the employee is entitled. Defines "physician" to include medical doctors, surgeons, and chiropractors.

Deletes the provision which exempted the employer from liability for burial expenses to the extent that an insurer of the deceased or a benefit association was liable for such expense.

Makes the employer liable for a share of attorneys' fees where settlement is made between the claimant and a third party and the employer's liability is reduced thereby.

(Amends Code 1940, Title 26, secs. 285, 289, 293, and 312.)

## ALASKA

[Regular Session 1/23/61–4/6/61]

### UNEMPLOYMENT INSURANCE

**Ch. 108** (*Approved 4/17/61; effective 1/1/61*). Excludes from coverage service performed by a faculty member of a nonprofit college or university.

### WAGES—WAGE GARNISHMENT

**Ch. 87** (*Approved 4/14/61; effective 4/15/61*). Exempts from garnishment \$350, rather than \$300, of the amount of wages earned in the 30 days preceding levy by the head of a family. Newly grants an exemption to a single person, set at \$200. Specifies that women as well as men may claim exemptions.

(Amends sec. 55–9–78, ACLA 1949.)

### WORKMEN'S COMPENSATION

**S. Con. Res. 7** (*Adopted 3/20/61*). Directs the Legislative Council and the Commissioners of Commerce and Labor to hold public hearings on the subject of a nonprofit exclusive State fund and on workmen's compensation insurance premium rates now in effect, and to submit a report to the 1962 session of the legislature.

## ARIZONA

[Regular Session 1/9/61–3/24/61]

### UNEMPLOYMENT INSURANCE

**Ch. 95** (*Approved 3/28/61; effective 1/1/62*). Extends coverage to certain Federal instrumentalities and nonprofit organizations.

Changes the definition of "employment" to exempt from coverage services in the employ of an organization not subject to a Federal income tax if the wages for such services are less than \$50 (instead

of \$45) a quarter. Deletes the proviso that such service is in connection with the collection of dues for a fraternal beneficiary society, and is performed away from the home office or is ritualistic service in connection with such society or such service is performed by a student attending classes at a school, college, or university. (Deletion of the proviso results in covering such services.)

Deletes from the agricultural exclusion, and thus covers, services performed for any agricultural or horticultural organization exempt from income tax and services performed for a voluntary employees' beneficiary association.

## WORKMEN'S COMPENSATION

**Ch. 101** (*Approved 3/28/61; effective 6/23/61*). Provides that a child under 18, or over 18 and incapacitated, shall be presumed totally dependent upon the "injured parent" for purposes of death benefits under the act, rather than upon "the parent with whom it was living at the time of the injury, there being no surviving parent." (Amends A.R.S. sec. 23-1064.)

## ARKANSAS

[Regular Session 1/9/61-3/9/61]

[Second Special Session 9/18/61-9/21/61]

## OCCUPATIONAL HEALTH AND SAFETY

**Act 429** (*Approved 3/16/61; effective 6/8/61*). Provides for the entrance of Arkansas into the Southern Interstate Nuclear Compact. (For a description of the compact, see Alabama Act 52.)

**Act 494** (*Approved and effective 3/17/61*). Amends the boiler inspection law. Provides for biennial inspection of unfired pressure vessels, rather than annual inspections as before. Continues in effect the provisions for annual inspection of steam boilers and steam generating apparatus.

Newly establishes a schedule of fees for permits for the installation of boilers or unfired pressure vessels. Continues in effect the fee schedules for the inspection of boilers and vessels.

Increases from \$10 to \$25 the annual license fee for persons engaged in the repair of boilers and unfired pressure vessels.

Provides that in the case of boilers that are equipped with approved-type automatic appliances, they must be checked once an hour when a plant is in operation or when a public building is occupied. Con-



tinues in effect the provision that all other boilers must be under constant attendance.

Newly requires applicants for boiler operator's licenses to have had at least 6 months on-the-job training. Makes other changes.

(Amends secs. 81-503, 81-507, and 81-509, Ark. Stat. 1947, 1960 Replacement.)

**Act 8** (*Approved 9/21/61; effective 12/20/61*). Repeals the Radiation Protection Act (1959) regulating sources of radiation, and enacts a new law. Designates the State Board of Health as the State Radiation Control Agency. Directs it to adopt regulations to control the hazards of ionizing radiation, to provide for licensing the use, manufacture, or other handling of certain radioactive materials, and to require registration of other sources of ionizing radiation. Authorizes the agency to make exemptions from licensing or registration requirements if they will not constitute a significant risk to public health or safety. (The former act authorized the State Board of Health to issue regulations to prevent unnecessary radiation, including regulations for registration.)

Requires persons possessing or using radiation sources to maintain records showing radiation exposure of all individuals for whom personnel monitoring is required by the agency.

Authorizes the Governor to enter into agreements providing for discontinuance of certain of the Federal Government's responsibilities for control of radiation hazards and assumption of these responsibilities by the State. Authorizes the agency to enter into agreements with the Federal Government, other States, or interstate agencies, for cooperative inspections or other functions relating to radiation control.

Specifically provides for right of entry and otherwise strengthens the board's authority to control radiation.

(Repeals Act 454, Laws of 1959.)

## WORKMEN'S COMPENSATION

**Act 479** (*Approved and effective 3/16/61*). Increases maximum funeral benefits from \$250 to \$500.

(Amends sec. 81-1315, Ark. Stat. 1947, 1960 Replacement.)



**CALIFORNIA**

[Regular Session 1/2/61-6/16/61]

**APPRENTICESHIP**

**Ch. 1892** (*Approved 7/15/61; effective 9/15/61*). Authorizes certain job training programs other than apprenticeship to be promoted by the Apprenticeship Council, the Departments of Education and Employment, and the Division of Apprenticeship Standards in the Department of Industrial Relations, when such services are requested by the parties to a collective bargaining agreement or, if there is no collective bargaining agreement, by an employer or his association or by a union or union representative. Specifies that such services shall be denied when it is found that existing prevailing conditions in the area and industry would in any way be lowered or adversely affected.

Provides that such services may include on-the-job programs for journeymen in the apprenticeable occupations to keep them abreast of current techniques and opportunities for advancement, and programs in other than apprenticeable occupations for workers entering the labor market for the first time or entering new occupations because they have been displaced by economic or technological changes. Further authorizes the Division of Apprenticeship Standards to cooperate with the Department of Corrections and the Youth Authority in developing programs for inmates and releasees of correctional institutions.

Specifies that such programs shall not interfere with or duplicate established training programs operated under the terms of collective bargaining agreements or unilaterally by an employer or union, nor abridge the vocational education activities of the Department of Education and local public school districts, and that the activities of the Division of Apprenticeship Standards under this law shall not curtail its activities in apprenticeship. Authorizes the division to contract with, and receive reimbursements from, other government agencies.

(Adds sec. 3093 to the Labor Code.)

**CHILD LABOR AND SCHOOL ATTENDANCE**

**Ch. 739** (*Approved 6/7/61; effective 9/15/61*). See **Private Employment Agencies**.

**Ch. 1621** (*Approved 7/14/61; effective 9/15/61*). See **Workmen's Compensation**.

**Ch. 1798** (*Approved 7/15/61; effective 9/15/61*). See **Workmen's Compensation**.

## DISCRIMINATION IN EMPLOYMENT

**Ch. 1623.** (*Approved 7/14/61; effective 9/15/61*). See **Older Workers**.

## HOURS OF WORK

**Ch. 238** (*Approved 4/27/61; effective 9/15/61*). Authorizes work in excess of 8 hours a day on public works, upon payment of time and one-half the basic rate, whether or not there is an emergency. Repeals the provisions setting a maximum 8-hour day except in emergencies, and the clause allowing overtime at time and one-half pay only until such time as the Governor has proclaimed the end of the national defense emergency.

(Amends sec. 1811, Labor Code, repeals secs. 1812 and 1813, and amends and rennumbers secs. 1814 through 1817 to be sections 1812 through 1815.)

**Ch. 839** (*Approved 6/13/61; effective 9/15/61*). Clarifies the "one-day's-rest-in-seven" law. Specifies that it shall apply where a collective bargaining agreement has provisions respecting hours of work, unless the agreement expressly provides otherwise. Formerly, it did not apply if there was a collective bargaining agreement respecting hours of work.

(Amends sec. 554, Labor Code.)

## INDUSTRIAL RELATIONS

**Ch. 461** (*Approved 5/22/61; effective 9/15/61*). Includes in a revision of the general arbitration act a provision that arbitration agreements covered by the act shall include agreements between employers and employees or between their respective representatives. The former arbitration act was specifically not applicable to contracts pertaining to labor.

Amends the private employment agency law and the law regulating artists' managers to make clear that arbitration agreements involving controversies arising under those laws must meet the requirements set under those laws to be valid, notwithstanding the provision of the general arbitration act that written arbitration agreements are valid except on such grounds as exist for the revocation of any contract.

(Repeals Title 9 (commencing with sec. 1280) of Part 3 of the Code of Civil Procedure and enacts a new Title 9; amends sec. 1053, Code of Civil Procedure, secs. 1730 and 3390, Civil Code, and secs. 1647.5 and 1700.45, Labor Code.)

**Ch. 1785** (*Approved 7/15/61; effective 9/15/61*). Creates an Agricultural Labor Commission of 5 members appointed by the Governor, to analyze the problems of labor-management relations in California agriculture. Provides that the Departments of Agriculture, Employment, and Industrial Relations, and upon request other government departments and agencies, shall cooperate with the commission and furnish it assistance and facilities. Calls for a written report on findings and recommendations to be filed with the Governor and the legislature by January 31, 1963, the expiration date of this act.

(Adds secs. 8600 through 8605 to the Government Code.)

**Ch. 1964** (*Approved 7/17/61; effective 9/15/61*). Specifically gives to public employees, with certain exceptions, the right to join and participate in the activities of employee organizations for the purpose of representation on all matters relating to employment conditions and employer-employee relations.

Requires public agencies to meet and confer with representatives of employee organizations upon request and to consider presentations made at such conferences as fully as it deems reasonable before arriving at a policy determination or course of action.

Authorizes public agencies to adopt regulations for verifying an organization's representative status and the official status of the organization's officers and representatives, for access of an organization's officers and representatives to work locations, and for such other matters as are necessary to carry out the purpose of this public employee organizations act. Provides that such rules and regulations may be adopted by the State Personnel Board for employees in the State civil service.

Permits employee organizations to establish reasonable membership requirements. Provides that public employees shall have the right to refuse to join or participate in the activities of employee organizations and the right to represent themselves individually in their employment relations with the public agency.

Provides that public agencies and employee organizations shall not interfere with, intimidate, restrain, coerce, or discriminate against public employees because of the exercise of their rights under this act.

Authorizes a public agency to designate a position as a law enforcement position and, after a public hearing, limit or prohibit the right of employees in such positions to join or participate in employee organizations where it is in the public interest to do so. Makes this provision inapplicable to employees subject to the Labor Code provisions which guarantee firefighters the right to join a union, but not to strike.



Specifies that this act does not make applicable to public employees the Labor Code provisions regarding the public policy of the State on labor relations in private employment.

(Adds secs. 3500 through 3509 to the Government Code.)

## MIGRATORY WORKERS

**Ch. 337** (*Approved 5/12/61; effective 9/15/61*). Authorizes the Department of Public Health to maintain a program for seasonal agricultural and migratory workers and their families, consisting of: studies of the health and health services for such individuals throughout the State; technical and financial assistance to local agencies concerned with the health of these workers and their families; and coordination with similar programs of the Federal Government, other States, and voluntary agencies.

Specifies that the department may contract and cooperate with local governmental agencies and voluntary nonprofit organizations in connection with the development of such local health programs.

(Adds secs. 429 and 429.1 to the Health and Safety Code.)

**Ch. 572** (*Approved 5/29/61; effective 9/15/61*). Amends the Vehicle Code relating to farm labor buses and trucks. Provides that where seating is face to face, the backs of the facing seats shall be not less than 43 inches apart at the nearest portion. The law formerly specified that where seating was face to face, the aisle between the seats facing each other was to be at least 24 inches wide at its narrowest point.

(Amends sec. 31401, Vehicle Code.)

**Ch. 573** (*Approved 5/29/61; effective 9/15/61*). Amends the Vehicle Code relating to the transportation of farmworkers. Reduces from 18 to 16 inches the seat space which farm-labor *buses* must provide for each passenger. Retains the 8-inch seat for farm-labor *trucks*. Prohibits operation of a farm-labor bus with more passengers *to a seat* than the seat was designed for and that the 16-inch minimum space will allow. Retains the prohibition on operation of a farm-labor bus or truck with a total number of passengers greater than can be accommodated with the prescribed minimum seat space.

(Amends sec. 31406, Vehicle Code.)

**Ch. 1309** (*Approved 7/8/61; effective 9/15/61*). Amends the labor camp law by requiring every owner or operator to register all labor camps annually, prior to January 31, with the Division of Housing of the Department of Industrial Relations. Requires registration whether or not the camp is occupied, requires registration of new



camp prior to occupancy, and specifies information about the camp to be supplied.

(Adds sec. 2410.4 to the Labor Code.)

**Res. Ch. 77** (*Adopted 3/10/61*). Requests the Division of Housing of the Department of Industrial Relations to undertake a survey of migrant family housing needs and of the present status of housing established by the Farm Production Council which was set up during World War II. Directs the division to report its findings to the legislature prior to January 1, 1962.

## OCCUPATIONAL HEALTH AND SAFETY

**Chs. 326 and 327** (*Approved 5/11/61; effective 9/15/61*). These acts repeal the chapters of the labor code entitled "Quartz Mines" and "Coal Mines." (These chapters were obsolete and inaccurate and had been superseded by more adequate and detailed mine safety orders of the Division of Industrial Safety.)

(Repeals secs. 7400 through 7405 and secs. 7450 through 7460, Labor Code.)

**Ch. 337** (*Approved 5/12/61; effective 9/15/61*). See **Migratory Workers**.

**Ch. 572** (*Approved 5/29/61; effective 9/15/61*). See **Migratory Workers**.

**Ch. 573** (*Approved 5/29/61; effective 9/15/61*). See **Migratory Workers**.

**Ch. 741** (*Approved 6/7/61; effective 9/15/61*). Provides that the Coordinator of Atomic Energy Development and Radiation Protection, whenever he determines that an existing or proposed regulation of one agency concerning radiation is inconsistent with that of another agency of the State, shall consult with the Advisory Council on Atomic Energy Development and Radiation Protection in an effort to resolve the inconsistency. If it is not resolved, provides that the Governor may issue an order preventing the proposed regulation from becoming effective or directing that the existing regulation be amended or repealed.

(Adds sec. 25734.5 to the Health and Safety Code, and renumbers other sections.)

**Ch. 806** (*Approved 6/12/61; effective 9/15/61*). Amends the law which provided for the internal and external inspection of all boilers at least every year. Requires yearly internal inspection for fired boilers only. Directs the Division of Industrial Safety to establish internal inspection intervals for other classes of boilers. Specifies that external inspection shall be made at the time of internal inspection.

tion, and at such other intervals as are deemed necessary by the division.

(Amends sec. 7682, Labor Code.)

**Ch. 820** (*Approved 6/13/61; effective 9/15/61*). Authorizes the Department of Public Health to initiate and administer programs to control radioactive contamination of the environment. Provides that in maintaining surveillance over the storing, packaging, transporting, and loading of radioactive waste, the department, with the approval of the Coordinator of Atomic Energy Development and Radiation Protection, shall enter into agreement with the Division of Industrial Safety of the Department of Industrial Relations, and may enter into agreement with other State and local agencies, to conduct appropriate inspection and enforcement activities.

(Adds secs. 25606 and other sections to the Health and Safety Code.)

**Ch. 1065** (*Approved 7/5/61; effective 9/15/61*). Authorizes the Coordinator of Atomic Energy Development and Radiation Protection to waive entirely or partly the requirement that proposed regulations of a State agency applying to atomic energy development or radiation protection be submitted to the coordinator 30 days prior to publishing notice of the proposed action.

(Amends sec. 25734, Health and Safety Code.)

**Ch. 1309** (*Approved 7/8/61; effective 9/15/61*). See **Migratory Workers**.

**Ch. 1705** (*Approved 7/14/61; effective 9/15/61*). Directs the Department of Public Health to adopt regulations for the safe transportation of radioactive materials. Provides that such regulations may be enforced, within their respective jurisdictions, by the health department, the Division of Industrial Safety of the Department of Industrial Relations, the Public Utilities Commission, the health department of any city or county, or any traffic officer as defined by section 625 of the Vehicle Code.

(Adds secs. 25650 through 25654 to the Health and Safety Code.)

**Ch. 1711** (*Approved 7/14/61; effective 9/15/61 except that the registration fee provision becomes effective 7/1/62, and licensing provisions, upon execution of an agreement with the Federal Government*). A Radiation Control law. Makes it the policy of the State to maintain a program of regulating sources of ionizing radiation compatible with Federal standards and programs, integrated within the State, and consonant with the regulation systems of other States.

Authorizes the Governor to enter into agreements with the Federal Government under which the State would take over responsibility for regulating sources of ionizing radiation. Provides that the De-

partment of Public Health shall provide by regulation for the licensing of persons possessing or transferring radioactive materials or devices using such materials. Authorizes it to require registration and inspection of sources not required to have a license. (Registration with the health department by persons possessing sources of radiation was already required under Chapter 1819, Laws of 1959.) Directs it to set fees for licensing and registration.

Provides that the department shall, among other things, develop programs for the evaluation of radiation hazards to public health and safety and adopt rules for the control of such hazards. Specifies that such rules shall not preclude the adoption of radiation regulations by the Division of Industrial Safety of the Department of Industrial Relations on matters within its jurisdiction. (Such rules have already been issued by the Department of Industrial Relations.)

Provides that the Department of Public Health, in carrying out its duties concerning licensing, with the approval of the Coordinator of Atomic Energy Development and Radiation Protection, shall enter into agreements with the Division of Industrial Safety, and may enter into agreements with other State and local agencies, for the evaluation of license applications and for conducting inspections. Authorizes the department to enter into agreements with the Federal Government, other States, or interstate agencies, to perform on a cooperative basis inspections and other functions relating to radiation control.

Directs the department to require the maintenance of records relating to the receipt, storage, transfer, or disposal of sources of ionizing radiation, and also records showing radiation exposure of all individuals for whom the department, by regulation, requires personnel monitoring.

Authorizes the department and any other appropriate State agency to institute training programs to qualify personnel to carry out the provisions of this chapter.

(Adds secs. 25800 through 25870 to the Health and Safety Code.)

**Ch. 1928** (*Approved 7/15/61; effective 9/15/61*). Provides that on or before July 1, 1962, all elevators in all buildings, except in private homes, used to carry passengers, shall be equipped with an emergency alarm in workable order. Also requires notices to be posted in elevators operated by passengers, giving instructions for summoning assistance at all hours.

(Adds sec. 7320 to the Labor Code.)

**S. Con. Res. 27** (*Adopted 3/10/61*). See **Migratory Workers**.

**S. Res. 61** (*Adopted 3/7/61*). Authorizes study by an interim committee of the sale, renting, and leasing of equipment or machinery



for use in places of employment which does not conform to applicable safety orders of the Division of Industrial Safety. Directs the committee to report to the legislature on or before the first Monday of the 1962 budget session.

**H. Res. 228** (*Adopted 6/15/61*). Creates a subcommittee on industrial safety (of the Interim Committee on Industrial Relations) to study problems of industrial safety and methods and procedures by which adequate industrial safety programs can be developed. Directs the committee to file its final report by the 10th legislative day of the 1963 regular session.

**H. Res. 442** (*Adopted 6/6/61*). Directs the Assembly Committee on Rules to assign to the appropriate interim committee for study the subject matter of industrial safety, with specific reference to loading and unloading of ships, and to report its findings and recommendations to the legislature by the fifth calendar day of the 1963 regular session.

**H. Res. 444** (*Adopted 6/16/61*). Directs the Division of Industrial Safety of the Department of Industrial Welfare to review immediately its safety orders in the maritime industry, and to take all necessary action to enforce its regulations in this field, including the assignment of adequate personnel for investigation and enforcement.

## OLDER WORKERS

**Ch. 1623** (*Approved 7/14/61; effective 9/15/61*). Adds to the Unemployment Insurance Code a chapter making it unlawful for an employer to refuse to employ, to discharge, or to demote any individual between 40 and 64 solely on the ground of age. Excludes from the definition of "employee" domestic servants and any individual employed by his parents, spouse, or child. Excludes from the definition of "employer" any employer of fewer than six persons. Specifically includes the State and its political subdivisions.

Specifies that the prohibition against age discrimination shall not make it unlawful to reject or terminate employment where the individual fails to meet bona fide job requirements, shall not preclude physical or medical examinations of applicants and employees, and shall not affect bona fide retirement or pension programs. Further specifies that the prohibition shall not limit the right of an employer, employment agency, or labor union to select or refer the better qualified person from among the applicants. Provides that age limitations of apprenticeship programs in which the State participates shall not be considered discriminatory. Provides that promotions within the existing staff, hiring or promotion on the basis of experience and training, rehiring based on seniority, and hiring from schools under



an established recruiting program shall not, in and of themselves, constitute violations. Places the burden of proving a violation on the person claiming the violation.

Directs the Department of Employment to formulate policies to effectuate the purposes of the law, to cooperate with other public and private agencies in the development of employment programs for older workers, to carry on continuing programs of education and research, to issue such publications and results of studies as in its judgment will tend to minimize discrimination against older workers, and to report annually to the Governor on its activities and recommendations.

(Adds secs. 2070 through 2078 to the Unemployment Insurance Code.)

## PRIVATE EMPLOYMENT AGENCIES

**Ch. 242** (*Approved 4/27/61; effective 9/15/61*). Removes nurses' registries which procure employment for private-duty nurses from coverage of the private employment agency law, and enacts a new law for their regulation. Defines a private-duty nurse as a self-employed private contractor who renders service under the direction of a physician or a surgeon and is paid by the patient.

Provides that a person may apply for both a nurses' registry license and a private employment agency license, and in such case need not pay duplicate fees. Requires the records to be kept separately.

Includes in the nurses' registry law most of the provisions of the private employment agency law, with certain differences. For example, requires that one of the character references for a licensee be a physician, surgeon, or registered nurse licensed by the State.

Permits a nurses' registry to enter into a continuing type of contract with private-duty nurses. Specifies that the contract shall, among other things, designate the registry as the nurse's agent for taking telephone assignments, include a placement fee schedule and a provision for giving the nurse a schedule of compensation rates currently in effect in the area for nurses, and provide for a monthly statement of fees claimed with adequate identification of assignments involved. Requires all contract forms to be submitted to the labor commissioner for approval.

Requires applicants for employment as private-duty nurses to submit information on license held or, if not licensed, information on qualifications and persons who can verify the experience or training claimed.

Requires the registry to interview an applicant before he is sent out on an assignment, to verify the training and experience claimed, and to require the applicant to show his license.

Requires the registry to keep a log showing orders for private-duty nurses, assignments, and time of making each assignment.

(Amends sec. 1551, Labor Code, and adds secs. 1710 through 1710.53.)

**Ch. 461** (*Approved 5/22/61; effective 9/15/61*). See **Industrial Relations**.

**Ch. 739** (*Approved 6/7/61; effective 9/15/61*). Prohibits an employment agency from accepting an application for employment made by or on behalf of any minor, or from placing or assisting in placing any minor in employment, in violation of the school attendance provisions. (The law already prohibits placements in violation of the child labor law.)

(Amends sec. 1640, Labor Code.)

**Ch. 1583** (*Approved 7/12/61; effective 9/15/61*). Prohibits any person, including any employment agency, from publishing an advertisement, solicitation, or communication offering employment as a salesman, broker, or agent which is willfully designed to mislead, or which falsely represents, the compensation or commissions that may be earned. Exempts a publisher who publishes the offer in good faith without knowledge that it is false, deceptive, or misleading.

(Employment agencies were already prohibited from false or misleading representation or advertisement.)

(Adds secs. 976 and 977 to the Labor Code.)

**Ch. 1666** (*Approved 7/14/61; effective 9/15/61*). Revises the definition of labor contractor in the private employment agency law. Excludes a person employing individuals to render part-time or temporary personal services to, for, or under the direction of a third person in a business office or industrial establishment, provided the person employing such individual pays wages, social security taxes, and State and Federal unemployment insurance, carries workmen's compensation insurance, and sustains responsibility for the acts of the employees while they render services to third persons. Prohibits sending such part-time or temporary help to any place where a strike, lockout, or labor dispute exists.

Exempts from coverage nurses' registries as defined in Chapter 242, Laws of 1961.

(Amends sec. 1551, Labor Code.)

**TEMPORARY DISABILITY INSURANCE**

**Ch. 1669** (*Approved 7/14/61; effective 9/15/61*). Deletes the provision which prohibited the receipt of additional hospital benefits when a claimant was serving a waiting period under a workmen's compensation or employer's liability law.

**Ch. 1760** (*Approved 7/14/61; effective 9/15/61*). Specifies that computations shall not be made on a claim under an approved self-insured plan if the uninterrupted period of disability does not exceed the waiting period.

**Ch. 1837** (*Approved 7/15/61; effective 9/15/61*). Provides that no claim shall be assessed against a person on account of any overpayment for additional benefits subsequent to an award of the Industrial Accident Commission.

**Ch. 2154** (*Approved 7/15/61; effective 9/15/61*). Effective January 1, 1962, increases the maximum weekly benefit amount from \$65 (for \$1,500 in high-quarter wages) to \$70 (for \$1,625 in high-quarter wages). Effective for disability periods established after January 1, 1963, increases the maximum weekly benefit amount to the greater of \$70 or two-thirds of the average weekly total wages paid in covered employment during the second calendar quarter of the preceding calendar year.

Increases the amount of wages on which contributions must be paid by employees from \$3,600 to \$4,100 in 1962, \$4,600 in 1963, \$5,100 in 1964, and \$5,600 in 1965 and for each year thereafter.

Creates an unemployed disabled account in the Disability Fund to finance benefits to individuals whose employment has terminated or who are in noncovered employment at the time their period of disability commences; and provides for fixed rates of contributions by voluntary plans of 0.15 percent in 1962, 0.13 percent in 1963, and 0.12 percent for 1964 and thereafter. Formerly, costs of benefits to such workers were prorated to voluntary plans with a maximum rate of 0.2 percent.

Provides that the approval of voluntary plans may not result in a substantial selection of risks adverse to the Disability Fund. This provision has been inoperative since 1954.

**Ch. 2155** (*Approved 7/19/61; effective 9/15/61*). Adds a definition of "employer" to include any employing unit which has one or more individuals performing services in agricultural labor, including agricultural labor for an agricultural or horticultural organization, and which pays wages for such service in excess of \$100 during any calendar quarter.

**Ch. 2156** (*Approved 7/19/61; effective 9/15/61*). See **Unemployment Insurance**.



**A. Res. 212** (*Adopted 4/21/61*). See **Workmen's Compensation**.

## **TIME OFF FOR VOTING**

**Ch. 23** (*Approved 3/14/61; effective 9/15/61*). Among other changes in the election law, makes the provisions concerning time off from work to vote applicable to "a voter," rather than to "a registered voter."

(Recodifies the Election Code.)

## **UNEMPLOYMENT INSURANCE**

**Ch. 5** (*Approved and effective 2/25/61*). Amends the provision for extending duration of benefits during periods of high level unemployment by permitting its application monthly instead of quarterly. The provision for additional contribution rates during such periods is amended accordingly.

**Ch. 38** (*Approved 3/28/61; effective 9/15/61*). Permits the payment of regular benefits as well as extended benefits during periods of retraining. Formerly, benefits during retraining could be paid during periods of extended duration only.

**Ch. 868** (*Approved and effective 6/26/61*). Amends provisions relating to the unemployment compensation extended duration benefits by coordinating them with the Federal law to prevent duplication of Federal and State benefits and to protect and preserve the rights of claimants to receive the full amount of State extended duration benefits upon the expiration of the Federal law.

**Ch. 1336** (*Approved 7/8/61; effective 9/15/61*). Provides that supplemental unemployment benefits due an individual, under a plan or system established by his employer, be exempt from claims of creditors; and prohibits assignment or release to anyone except the person entitled to receive such benefits.

**Ch. 1462** (*Approved 7/12/61; effective 9/15/61*). Provides that twice the amount of disability insurance and workmen's compensation benefits received by an individual may be considered wages for purposes of satisfying the requirement that additional wages must be earned before wages earned previously but not included in computing a benefit award may be used for a subsequent period of unemployment.

**Ch. 1623** (*Approved 7/14/61; effective 9/15/61*). See **Older Workers**.

**Ch. 1924** (*Approved 7/15/61; effective 9/15/61*). Provides that the period of disqualification for voluntary leaving, discharge for misconduct, or refusal of suitable work may begin in the week in which cause of disqualification occurs if the individual registers for work in



that week. Specifies that the period of disqualification for job refusal shall be not less than 2 or more than 10 consecutive weeks rather than not to exceed 10 weeks.

Establishes separate disqualification provisions for willful misstatement or failure to report a material fact. Specifies that the 10-week disqualification period shall not commence earlier than the week in which determination is served upon the individual; that to serve the disqualification the individual must otherwise meet all eligibility requirements for each week to be served; and provides a three-year statute of limitations on weeks not served. Provides that individuals may concurrently serve weeks of disqualification both under this provision and the disqualification for voluntary leaving if they are properly registered for work.

**Ch. 2156** (*Approved 7/19/61; effective 9/15/61*). Extends coverage for unemployment and disability insurance to employees of organizations engaged in commercial enterprises whose profits are payable to nonprofit organizations, agricultural and horticultural organizations, voluntary employees' beneficiary associations, Federal credit unions and other Federal instrumentalities, and to certain dues collecting employees of fraternal beneficiary societies. Exempts nonprofit organizations "testing for public safety." Places political activities restriction on nonprofit organization exemption, identical to restriction under Federal law.

**Ch. 2159.** (*Approved 7/19/61; effective 9/15/61*). Provides for election of coverage by nonprofit organizations on any one of four bases: individually on additional cost basis; individually on basis of reimbursement of benefits charged; in joint account, under regulations, on additional cost basis; in joint account, under regulations, on basis of reimbursement of benefits charged. Extended duration tax would be paid by organizations electing on basis of reimbursement of benefits charged, but not by those electing on additional cost basis. Permits exclusion under election of student nurses, interns, workers paid less than \$50 in a quarter, students, persons engaged in religious practice, and faculty, teaching, or administrative staff. Provides for certain use of existing favorable reserve accounts under new election on additional cost basis. Bill becomes operative not earlier than October 1, 1961, and only in the event Congress enacts legislation exempting nonprofit organizations from Section 3303 of the Federal Unemployment Tax Act. (No such legislation was enacted by Congress, and therefore this bill is inoperative.)

**Ch. 2160** (*Approved 7/19/61; effective 9/15/61*). Changes the high-quarter qualification steps in the benefit schedule from intervals of \$30 to intervals of \$28. Decreases the amount of high-quarter earn-

ings needed to qualify for the maximum weekly benefit amount from \$1,500 to \$1,410.

Increases the amount of wages on which contributions must be paid from \$3,600 to \$3,800.

Provides that wages used in the determination of benefits payable to an individual during any benefit year shall not be used in determining such individual's benefits in any subsequent benefit year.

**Ch. 2164** (*Approved 7/19/61; effective 9/15/61*). Provides for an increase of 0.5 percent in all employer rates.

Excludes from employment an appointed as well as an elected official of a nonprofit fraternal association not subject to the Federal Unemployment Tax Act.

**Ch. 2165** (*Approved 7/19/61; effective 9/15/61*). Provides that the receipt of vacation or severance pay by a person does not render a claim for unemployment insurance benefits invalid, though he would be ineligible to receive benefits for any week in which this remuneration equals or exceeds his weekly benefit amount. This provision applies to claims filed for both regular and extended duration benefits.

**Ch. 2208** (*Approved 7/20/61; effective 9/15/61*). Specifies that for benefit eligibility purposes, an individual must seek suitable work in accordance with specific reasonable local office instructions. The present law requires that an individual seek work in accordance with regulations of the Director of Employment.

## WAGE PAYMENT AND WAGE COLLECTION

**Ch. 209** (*Approved 4/26/61; effective 9/15/61*). Specifies that the penalty for violating certain provisions of the wage payment law concerning frequency of payment and holdover period for most employees shall apply also to a section added in 1959, concerning pay-days and holdover periods for weekly paid employees.

(Amends sec. 210, Labor Code.)

**Ch. 318** (*Approved 5/10/61; effective 9/15/61*). Amends the provision which requires logging and sawmill operators not having free title to property in California to keep cash or securities on hand or on deposit, or to deposit a bond with the labor commissioner, to secure payment of wages. Specifies that before an operator may be exempt from the requirement, the property held must be of a market value sufficient to pay wages during the pay period. Provides that cash and securities required under this law shall not be commingled with the other property of the employer, shall not be used for any other purpose than to pay wages, and shall not be subject to garnishment, attachment, or execution by any other creditor of the employer.

(Amends sec. 270.5, Labor Code.)

**Ch. 598** (*Approved 4/14/61; effective 9/15/61*). Makes it a misdemeanor to violate the holdover provision for weekly paid employees. (It is already a misdemeanor to violate other provisions of the wage payment law.)

(Amends sec. 215, Labor Code.)

## WAGES AND HOURS—WOMEN AND MINORS

**Ch. 408** (*Approved 5/19/61; effective 9/15/61*). Specifically entitles women and minors to recover in a civil action any unpaid overtime compensation due under the minimum wage law, in addition to the existing right to recover unpaid minimum wages. Clarifies the authority of the Division of Industrial Welfare of the Department of Industrial Relations to supervise the payment of unpaid minimum wages and overtime wherever violations are found, whether on a complaint or a routine basis. Authorizes the division or the department to proceed in a civil action, with the consent of the employee or employees involved. Allows the division to seek an injunction against further violation of Industrial Welfare Commission regulations.

(Amends sec. 1194, Labor Code, and adds secs. 1193.5, 1193.6, and 1194.5.)

**Ch. 543** (*Approved 5/29/61; effective 9/15/61*). Authorizes the issuance of special licenses for employment of physically or mentally handicapped women and minors at less than the minimum wage. Formerly such licenses were authorized for women physically defective by age or otherwise. Extends the maximum period of a license from 6 months to 1 year.

(Amends sec. 1191, Labor Code.)

## WORKMEN'S COMPENSATION

**Ch. 334** (*Approved 5/11/61; effective 9/15/61*). Provides that boys committed to county forestry camps shall be subject to the workmen's compensation law while they are engaged in fire prevention work or in the suppression of existing fires, to the same extent as a county employee.

(Amends sec. 903, Welfare and Institutions Code.)

**Ch. 619** (*Approved 5/30/61; effective 9/15/61*). Specifies that the definition of compensable injury, in the case of a peace officer employed under civil service on a regular, full-time salary by the Bureau of Narcotic Enforcement or the Bureau of Criminal Identification and Investigation, shall include heart trouble, hernia, pneumonia, and tuberculosis. Provides that if such a disease manifests itself during the period of employment, the illness shall be rebuttably presumed to



arise out of and in the course of employment, and shall in no case be attributed to any prior existing disease.

(Adds sec. 3212.7 to the Labor Code.)

**Ch. 901** (*Approved 7/4/61; effective 9/15/61*). Provides that a volunteer, unsalaried member of the sheriff's reserve of any county is entitled to workmen's compensation coverage while engaged in law enforcement, upon the adoption of a resolution by the county board of supervisors deeming him an employee.

(Adds sec. 3364 to the Labor Code.)

**Ch. 903** (*Approved 7/4/61; effective 9/15/61*). Raises from \$12 to \$40 the amount deemed to be average weekly earnings of workmen associated under a partnership agreement, when their earnings are not otherwise ascertainable.

(Amends sec. 4457, Labor Code.)

**Ch. 1394** (*Approved 7/10/61; effective 9/15/61*). Brings active members of the reserve fish and game warden program of the Department of Fish and Game under coverage of the workmen's compensation law.

(Adds sec. 3363 to the Labor Code.)

**Ch. 1560** (*Approved 7/12/61; effective 9/15/61*). Provides that the \$100 maximum set on the total labor cost of work deemed to be casual shall not include charges other than for personal services.

(Amends sec. 3354, Labor Code.)

**Ch. 1581** (*Approved 7/12/61; effective 9/15/61*). Specifies that the earnings of male members of volunteer police departments covered under workmen's compensation shall be taken at amounts sufficient to entitle them to maximum benefits for disability and death.

(Adds sec. 4458.2 to the Labor Code.)

**Ch. 1621** (*Approved 7/14/61; effective 9/15/61*). Raises the average weekly earnings on which benefits for temporary disability and death are computed for all employees from a range of \$30.77-\$100 to a range of \$38.46-\$107.69, thereby raising the weekly benefits from a range of \$20-\$65 to a range of \$25-\$70.

Requires benefits to be increased 50 percent where the injury is to a minor under 16 illegally employed in farm, dairy, agricultural, viticultural, or horticultural work, or in stock or poultry raising. Formerly such occupations were exempted from the provision requiring additional compensation for illegally employed minors in other occupations.

(Amends secs. 4453, 4460, and 4557, Labor Code.)

**Ch. 1669** (*Approved 7/14/61; effective 9/15/61*). See **Temporary Disability Insurance**.



**Ch. 1749** (*Approved 7/14/61; effective 9/15/61*). Provides that the paid leave to which certain public employees are entitled instead of workmen's compensation benefits may be terminated prior to the maximum period authorized, if the employee is retired on permanent disability pension. (Certain firemen and law enforcement officers who are members of the State Employees' Retirement System are entitled to leave with full pay for a maximum of 1 year, in lieu of temporary disability benefits payable under the workmen's compensation law.)

(Amends sec. 4850, Labor Code.)

**Ch. 1798** (*Approved 7/15/61; effective 9/15/61*). Provides that children in work experience education programs shall be considered, for workmen's compensation purposes, to be in the employ of the school district, unless cash wages or salary are being paid by a private employer.

(Adds sec. 8358 to the Education Code.)

**Ch. 1837** (*Approved 7/15/61; effective 9/15/61*). See **Temporary Disability Insurance**.

**Ch. 2170** (*Approved 7/20/61; effective 9/15/61*). Makes an injury or death not compensable where the employee has willfully and deliberately caused his own death or where an injury arises out of an altercation in which the injured employee is the initial physical aggressor.

(Amends sec. 3600, Labor Code.)

**A. Const. Am. 72** (*Adopted 6/16/61*). Proposes an amendment to section 21 of Article XX of the State Constitution, which authorizes the legislature to create a workmen's compensation system. Would further authorize the legislature to provide for the payment of an award to the State in the case of the accidental death of an employee without dependents, to be used to pay extra compensation for subsequent injuries beyond the liability of a single employer for awards to his employees.

**A. Res. 212** (*Adopted 4/21/61*). Provides for study by an interim committee, and a report to the 1963 regular session of the legislature, of the relationship of unemployment disability compensation benefits and workmen's compensation disability benefits, and the necessity for legislation on this subject.

**A. Res. 422** (*Adopted 6/15/61*). Provides for study by an interim committee, and a report of findings and recommendations to the 1963 regular session of the legislature, of various workmen's compensation problems, including medical care, the subsequent injury fund, the definition of injury, the determination and adjustment of benefits, reporting by employers of benefits paid, reemployment of injured persons, adequacy of permanent disability ratings in relation to actual

wage loss, the employment of handicapped persons, and rehabilitation problems.

**A. Res. 423** (*Adopted 6/15/61*). Provides for study by an interim committee, and a report of findings and recommendations to the 1963 regular session of the legislature, of the coverage of public employees under certain sections defining injury to include hernia, heart trouble, pneumonia, and tuberculosis.

## MISCELLANEOUS

**A. Res. 413** (*Adopted 6/15/61*). Requests study by an interim legislative committee of the problem of employees whose contracts are not in writing being defrauded of commissions or amounts due them from their employers pursuant to profit-sharing or bonus plans. Calls for a report of findings and recommendations by the fifth calendar day of the 1963 regular session.

## COLORADO

[Regular Session 1/4/61-4/1/61]

### APPRENTICESHIP

**Ch. 60** (*Approved 4/18/61; effective 7/1/61*). Repeals the former apprenticeship law and enacts a new one. Provides for an Apprenticeship Council within the Industrial Commission, composed of 3 employer and 3 employee members appointed by the Governor. Authorizes the council to appoint as advisors one representative each from the Department of Employment, the State Board for Vocational Education, and the U.S. Department of Labor, Bureau of Apprenticeship and Training.

Directs the apprenticeship council, among other duties, to promote and assist voluntary apprenticeship programs and to publish recommended fundamentals of apprenticeship which shall not be less than those promulgated by the Federal committee on apprenticeship. Authorizes the establishment of apprenticeship committees on an industry or establishment basis to operate apprenticeship programs and to formulate standards for such programs conforming to the recommendations of the council. Specifies that the council shall advise and cooperate with the State Board for Vocational Education and gives the Board responsibility for coordination of instruction and employment and for selection and training of teachers, upon the request of the apprenticeship program sponsor.

Requires an apprenticeship agreement to provide for 4,000 hours or 2 years of reasonably continuous employment and for participation in an approved training program through employment and related education. Formerly, 3,500 hours of reasonably continuous employment and 144 hours of instruction were required.

The former apprenticeship law set up a division of apprentice training, under the direction and control of the State Board for Vocational Education, which was authorized to administer apprentice training. The law required local committees to be formed in each community carrying on an apprentice training program, to serve in an advisory capacity.

(Repeals secs. 9-1-1 through 9-1-9, Colo. Rev. Stat. 1953, and enacts new sections.)

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 223** (*Approved and effective 4/24/61*). See **Migratory Workers**.

## MIGRATORY WORKERS

**Ch. 223** (*Approved and effective 4/24/61*). A "Migrant Children Educational Act."

Requires migrant children to attend school while residing in any school district when the regular schools are in session, without regard to residence requirements. Requires attendance at the same ages as for resident children, i.e., between 8 and 16 unless lawfully excused.

Provides that the additional cost of administering and maintaining the program shall be undertaken jointly by the State and the participating school district, and State reimbursement for additional necessary costs may include salaries of personnel; textbooks, supplies, and equipment; school lunch program; school bus transportation; and provision of physical plant if regular school facilities are not used. Authorizes the State Board of Education to make such rules and regulations as necessary to carry out the act.

Provides for a summer education program for migrant children under the general supervision of the State Board of Education. Authorizes any district board of education to make application to participate, and provides that from such applications the State Board shall select school districts to operate special terms according to funds available, the number of migrant children in the district, and other criteria to be determined by the Board. Authorizes the district board of education to determine whether attendance shall be compulsory or voluntary. If attendance is made compulsory, requires attendance between the ages of 8 and 16 unless lawfully



excused. Provides that school districts participating in the summer program shall be reimbursed from State funds for actual costs incurred in the operation of special terms, including the net cost of school lunch and school bus operations.

Appropriates \$99,000 for the year beginning July 1, 1961.

**H. J. Res. 10** (*Approved 4/1/61*). Authorizes the Legislative Council to continue the study of migratory labor problems originally authorized in 1960. Provides that the council shall report its findings and recommendations to the General Assembly prior to or upon its convening in 1963.

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 85** (*Approved and effective 4/24/61*). Raises inspection fees for smaller boilers. Requires, instead of a \$2.50 fee for the inspection of all cast iron heating boilers, a \$5 fee for inspection of all cast iron heating boilers, hot water heating boilers, and hot water supply boilers (built for maximum steam pressure of 15 pounds per square inch, or 30 pounds water pressure). Sets a \$7.50 fee for inspecting all other boilers not exceeding 50 square feet of heating surface, instead of a \$5 fee for inspecting all steam boilers of such size. Sets a fee of \$2.50, rather than \$2, for a certificate of inspection by a company inspector.

(Amends secs. 17-3-2 through 17-3-6, Colo. Rev. Stat. 1953.)

## WORKMEN'S COMPENSATION

**Ch. 163** (*Approved and effective 3/27/61*). Expressly provides coverage of certain additional volunteers who are in the service of the State or a local government agency: Those serving as members of rescue teams or groups, disaster teams, ambulance teams or groups, and search teams. Specifies that covered personnel shall be entitled to workmen's compensation if injured while engaged in organized drills, practice, or training, as well as while engaged in active duty. Authorizes privately organized volunteer fire departments, rescue teams or groups, disaster teams, ambulance teams or groups, and search teams to provide voluntary coverage under the workmen's compensation act for the members of their groups while in training or on duty.

Specifies that benefits for the volunteer personnel expressly covered as public employees and for every nonsalaried person in the service of a public agency (except officers and enlisted men of the National Guard, who are excluded from the act) shall be computed on the basis of the actual earnings of each covered person in his regular employment or, if he is unemployed, in his most recent



employment. Applies the same basis for computing benefits to volunteers in private associations.

(Amends sec. 81-2-7, Colo. Rev. Stat. 1953.)

**Ch. 165** (*Approved 5/1/61; effective 7/1/61*). Makes partial disability from occupational disease compensable.

Adds to the schedule of compensable occupational diseases: glanders and tularemia; cancer of the eye or skin caused by specified substances; poisoning by specified substances such as aluminum, beryllium, uranium, nitrogen, and sodium; pemphigus, erysipeloid or brucellosis due to handling meat products; anthracosis (as defined); and peripheral neurovascular disorders resulting from prolonged manual use of tools. Makes anthracosis subject to the same special provisions as silicosis and asbestosis.

Makes radiation diseases compensable without regard to the time after exposure when disability results. Makes silicosis and asbestosis (and now anthracosis) compensable if disability results within 5 years, rather than 2 years, after last exposure.

Requires claims to be filed within 3 years after disability from radiation diseases, and within 1 year after disability from other occupational diseases. Formerly, claims had to be filed within 1 year after disablement from silicosis or asbestosis, within 90 days after disablement from benzol poisoning, and within 60 days after disablement from other occupational diseases.

Limits to \$5,000 the liability of the last employer for total disability or death from silicosis, asbestosis, or anthracosis if the employee was also injuriously exposed while employed by another employer. Makes the remainder of the award payable from the subsequent injury fund.

As before, sets a total maximum of \$12,598.25 on benefits for total disability or death. Retains the provision that the benefits shall be paid at the same weekly rates as for accidents ( $66\frac{2}{3}$  percent of wages; weekly maximum of \$40.25 and minimum of \$10, and in death cases, an additional \$3.50 for each of the first 3 wholly dependent children).

Sets the same weekly maximum for permanent partial and temporary partial disability, and the same minimum for permanent partial disability. Sets a total maximum of \$2,500 for temporary partial disability, \$5,000 for nonschedule permanent partial disability, and \$5,000 for two or more schedule injuries from occupational diseases. Sets benefit periods for schedule injuries ranging from 2 weeks for loss of a finger or toe at the second joint to 104 weeks for loss of an arm at the shoulder or leg at the hip. (The periods specified are approximately one-half of those provided for schedule injury by accident.)

Raises maximum medical benefits for occupational diseases generally from \$1,500 to \$2,500, and raises from \$500 to \$1,000 the additional benefits which may be allowed if the Industrial Commission finds the employee's condition would be materially improved thereby. Raises from \$2,000 to \$3,500 the maximum medical benefit for silicosis and asbestosis (and now anthracosis), retaining the provision that no medical benefit will be allowed unless the employee's condition will be materially improved.

Makes subsequent injury provisions applicable to occupational diseases as well as accidents. (The provisions are of the limited type—previous loss of specified member plus subsequent loss of another member, resulting in permanent total disability.) Raises from \$1,750 to \$6,250 the contribution to the subsequent injury fund required from the employer in death cases where there are no dependents. Deletes the provision making the fund liable for benefits equal to half of the employee's average weekly wage if he obtains employment while receiving subsequent injury benefits.

(Amends secs. 81-12-7, 81-18-4, 81-18-9 through 81-18-11, 81-18-13 through 81-18-18, 81-18-20, 81-18-24, and 81-18-31, Colo. Rev. Stat. 1953.)

## CONNECTICUT

[Regular Session 1/4/61-6/7/61]

### INDUSTRIAL RELATIONS

**Act 141** (*Approved 5/15/61; effective 10/1/61*). Provides that in arbitration cases, a single public member of the State Board of Mediation and Arbitration may arbitrate instead of a panel, by joint agreement of the parties involved. Provides that in this event such member shall have all the powers of a panel.

(Amends C.G.S.A. sec. 31-93.)

**Act 143** (*Approved 5/15/61; effective 10/1/61*). Provides that the trustees of employee welfare funds shall make copies of the annual report available during the year for examination by employers, labor organizations, or employees eligible to examine such reports (formerly reports were required to be available "annually").

(Amends C.G.S.A. sec. 31-85.)

**Act 218** (*Approved 5/23/61; effective 10/1/61*). Provides that payments to employee welfare funds which are past due under the terms of a written contract shall be considered as wages for the purpose of bringing a civil action to collect such payments.

**Act 258** (*Approved 5/26/61; effective 10/1/61*). Exempts labor organizations that are subject to the Federal Labor-Management Reporting and Disclosure Act of 1959 from the law which requires unions to file annual organizational and financial reports with the Secretary of State.

Provides that reports may be filed in the form required by the Labor-Management Reporting and Disclosure Act of 1959 (rather than the Labor Management Relations (Taft-Hartley) Act) or, as before, in the form required by the Internal Revenue Code.

Provides that when the State audits an annual report at the written request of a member of a labor organization, it shall submit the results of the audit to the labor organization which submitted the report as well as to the requesting member.

(Amends C.G.S.A. sec. 31-77.)

## OCCUPATIONAL HEALTH AND SAFETY

**Act 36** (*Approved 4/25/61; effective 10/1/61*). Prohibits any person from operating, placing, erecting, or moving any tool, machinery, equipment, or material within 6 feet of a high voltage overhead conductor without prior consent of the owner of the conductor. (Defines high voltage to mean voltage in excess of 750 volts.) Exempts certain activities from this provision, such as activities of fire protection personnel and agencies, and the operation of railroad equipment. Prohibits the operation of a crane, derrick, power shovel, drilling rig, or similar apparatus, any part of which is capable of a vertical, lateral, or swinging motion, unless there is a sign in plain view of the operator reading, "Unlawful to operate this equipment within 6 feet of high voltage lines."

**Act 408** (*Approved 6/14/61; effective 7/1/61*). Increases internal and external inspection fees for power boilers (formerly called steam boilers) and sets inspection fees for low pressure heating boilers and hot water supply boilers.

Sets internal inspection fees ranging from \$5 for power boilers of 50 square feet or less, to \$20 for boilers of over 10,000 square feet of heating surface. (Fees for internal inspection were formerly \$3 for *steam* boilers of 5 horsepower or 50 square feet or less, and \$10 for those over 5 horsepower or over 50 square feet of heating surface.)

Raises external inspection fees for power boilers, and specifies fees ranging from \$3 to \$10 for inspection of various types of low pressure heating boilers. Bases fees for hydrostatic tests on internal inspection fees instead of setting a \$5 maximum. Provides that no fee shall be required of a State or State agency.



Raises from \$1 to \$2 the fee for an operating certificate where inspection is made by an insurance company inspector. Makes an operating certificate valid for 12 months for power boilers and 24 months for low pressure steam or vapor heating boilers, hot water heating boilers, and hot water supply boilers. (Formerly, an operating certificate for any boiler was valid for 15 months.)

(Amends C.G.S.A. sec. 19-435.)

## PRIVATE EMPLOYMENT AGENCIES

**Act 401** (*Approved 6/20/61; effective 10/1/61*). Prohibits employment agencies from placing or trying to place job applicants from outside the State in domestic employment in the State unless evidence or an affidavit of the applicant executed before a person authorized to administer oaths in Connecticut is on file showing that the applicant is at least 18 years of age. Requires employment agencies to provide applicants for such jobs with direct transportation to the State by licensed common carrier, and suitable lodgings and meals until placement in employment and for any period of unemployment during the 30 days after arrival or until the agency has provided return fare and a reasonable meal allowance for each day of travel. Releases the agency from the obligation to provide lodging, meals, and return fare if the applicant refuses suitable employment, if he leaves his job without sufficient cause, or if he is discharged for willful misconduct.

Requires each employment agency to file with the labor commissioner a written list of the emigrant agents, if any, from whom it accepts job applicants for domestic employment. Defines "emigrant agents" as persons who, on behalf of an employment agency and for a fee, procure or attempt to procure domestic employment in Connecticut for persons outside the State or domestic employees from outside the State for employers in the State. Prohibits employment agencies from using emigrant agents who are not licensed by the jurisdiction in which they operate, if licensing is required in that jurisdiction.

Requires employment agencies to keep records showing the last home address and birthdate of all applicants for domestic employment whom the agency brings into the State; the name and address of any emigrant agent through whom the applicant was recruited; the name and address of any person to whom the employment agency has made payments in connection with the recruitment of the applicant and the amounts of such payments; and total charges of any kind to be made to the applicant in connection with the placement.

Specifies that the bond posted by the agency shall be conditioned on compliance with the new provisions.

(Amends C.G.S.A. sec. 31-129.)



## UNEMPLOYMENT INSURANCE

**Act 589** (*Approved 6/22/61; effective 7/9/61*). Provides that no person shall be eligible for unemployment benefits under the extended duration provisions of the State law until he has received the full amount of his entitlement under an act of Congress providing for such extended benefits, pursuant to a contract entered into by the administrator.

## WAGE PAYMENT AND WAGE COLLECTION

**Act 218** (*Approved 5/23/61; effective 10/1/61*). See **Industrial Relations**.

## WAGES—PREVAILING WAGES

**Act 486** (*Approved 6/21/61; effective 10/1/61*). Provides that coverage of the law requiring payment of prevailing wages on contracts for the construction, remodeling, or repair of public buildings shall be extended to any political subdivision of the State or its agents. Makes the law inapplicable to contracts of less than \$5,000.

Specifies that the prevailing wage shall include the amount of payment or contribution to an employee welfare fund. Requires any covered contractor who is not obligated by an agreement to make payments to an employee welfare fund to add the amount of the prevailing contribution to each employee's wages on each payday.

Requires each employer to keep records relating to wages and hours worked and a schedule showing the work classification of each employee. Specifies that recordkeeping requirements under the minimum wage law shall apply to employers on contracts for public buildings.

Makes the requirement for payment of welfare fund contributions or the equivalent in cash wages also applicable to State highway contracts.

(Amends C.G.S.A. secs. 31-53 and 31-54.)

## WAGES AND HOURS—ALL WORKERS

**Act 519** (*Approved 6/21/61; effective 10/1/61*). Raises the statutory minimum wage rate from \$1 an hour to \$1.15, and provides that it shall be raised to \$1.25 on October 1, 1963, except that for hotel and restaurant workers the \$1 rate shall become effective on May 1, 1962, and the \$1.25 rate on May 1, 1964. Retains the provision that gratuities may be recognized as part of the minimum wage. Makes the gratuity allowance 35 cents an hour for all employees, except that for hotel and restaurant workers it shall be raised to 40 cents and then to 45 cents when the increases in the minimum wage rates take

effect. (Formerly, the allowance was 30 cents generally and 35 cents for restaurant workers.)

Provides that any current rates set by wage orders and administrative regulations of less than 85 cents an hour for minors and learners shall be raised to 85 cents until October 1, 1963, and to 95 cents thereafter.

Modifies the exemption for individuals covered under the Federal Fair Labor Standards Act by adding that "any individual employed in an industry with respect to which a wage order has been established or may be established shall be deemed to be an employee"; such individuals would thus be covered under the Connecticut act.

(Amends C.G.S.A. secs. 31-58 and 31-60.)

## WORKMEN'S COMPENSATION

**Act 243** (*Approved and effective 5/26/61*). Provides that a State employee suffering injury compensable under the workmen's compensation act may choose to augment his workmen's compensation benefits, to the extent of his full salary, by the addition of sick leave benefits computed on an hourly basis. Specifies that after the expiration of his sick leave, the provisions of the workmen's compensation act shall apply.

(Amends C.G.S.A. sec. 5-143.)

**Act 455** (*Approved 6/14/61; effective 10/1/61*). Provides that a skindiver who is a member of the civil defense forces shall be considered to be engaged in civil defense duties, for purposes of workmen's compensation coverage, when he is assisting in any emergency, or engaging in skindiving training, under the auspices of the Office of Civil Defense or the State Police Department.

(Amends C.G.S.A. sec. 28-1.)

**Act 491** (*Approved 6/21/61; effective 10/1/61*). Repeals the workmen's compensation act and enacts a revised law. Specifies compulsory coverage for employers of "two or more" employees and voluntary coverage for employers of fewer than two, rather than referring to employers having "regularly" two or more employees or "regularly" fewer than two. Excludes from the definition of "employee" and therefore from coverage: Any person employed by the owner or occupier of a private dwelling for not more than 26 hours a week in any type of service in or around the dwelling, and any employee of a corporation who is a corporate officer and who elects in writing to be excluded from coverage.

Raises benefits for most schedule injuries. For example, lengthens the benefit period to 296 weeks for the loss, or loss of use, of the master arm at or above the elbow, and to 291 weeks for the other arm (for-

merly 275 weeks for either arm) ; and increases the benefit period from 156 weeks to 188 weeks for a foot, from 208 to 235 weeks for an eye, and from 48 to 54 weeks for a first finger.

Requires the employer to repair or replace eyeglasses where damage to the glasses is accompanied by bodily injury about the face or head.

Provides that waivers by handicapped persons of their rights to workmen's compensation benefits shall remain in effect whenever the employer company is merged with or substantially purchased by another company, provided the employment relationship remains substantially the same.

Deletes provisions which authorized suit by an injured worker, with the employer's common-law defenses abolished, if the employer failed to secure payment of compensation by insurance or otherwise. Retains the provision requiring the worker to be paid benefits from the compensation assurance fund if the employer or insurer fails to pay, and making the employer and insurer liable to the State for such payments. Adds a \$1,000 penalty against an employer who willfully fails to secure compensation.

(Repeals C.G.S.A. Ch. 566.)

## DELAWARE

[Regular Session 1/3/61-12/18/61]

### INDUSTRIAL RELATIONS

**Ch. 78** (*Approved and effective 6/15/61*). Makes it unlawful for any person not directly involved in a labor strike or lockout to recruit any person for employment or to offer to secure employment for any person, for the purpose of taking the place of employees in an industry where a labor strike or lockout involving a recognized labor organization exists. Makes violation a misdemeanor, and sets penalties. Makes the penalty section inoperative unless the labor organization involved gives actual notice of the strike or lockout. Exempts from these provisions the Delaware State Employment Service, the United States Employment Service, and persons engaged in the production, handling, or processing of agricultural commodities.

(Adds sec. 704 to 19 Del. C.)

**Ch. 259** (*Approved 12/28/61; effective 3/28/62*). Establishes a State Mediation Service. (See also **State Department of Labor**.)



## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 259** (*Approved 12/28/61; effective 3/28/62*). Gives the Department of Labor and Industrial Relations safety rulemaking authority. (See also **State Department of Labor**.)

## PRIVATE EMPLOYMENT AGENCIES

**Ch. 107** (*Approved 6/23/61; effective 6/1/62*). Raises from \$20 to \$50 the annual tax on any person engaged for profit in the business of hiring laborers or securing positions for other persons to be employed within the State.

(Amends 30 Del. C., secs. 2114 and 2301.)

## STATE DEPARTMENT OF LABOR

**Ch. 259** (*Approved 12/28/61; effective 3/28/62*). Abolishes the Labor Commission and establishes a Department of Labor and Industrial Relations consisting of 5 members appointed by the Governor, to serve without compensation except for travel expenses. Provides that the chairman is to be designated by the Governor. Authorizes the department to appoint executive secretaries, attorneys, and other employees.

Provides that the department shall administer all labor laws (which would include unemployment compensation, workmen's compensation, child labor, female labor, discrimination in employment, safety, and mediation), and shall promote voluntary apprenticeship.

Gives the department authority to issue safety rules for places of employment, with the advice of the Industrial Accident Board.

Transfers the Unemployment Compensation Commission<sup>7</sup> and the Industrial Accident Board to the department as autonomous divisions.

Establishes a State Mediation Service within the department to be headed by one of the members of the department.

Provides that the director of the service shall attempt to mediate existing or threatened labor disputes upon the request of either party, and may do so upon his own motion.

Exempts from all provisions of the act: babysitting, domestic help, agriculture, fishing, and hunting.

## UNEMPLOYMENT INSURANCE

**Ch. 32** (*Approved and effective 4/25/61*). Amends the experience rating provisions to provide protective solvency measures.

---

<sup>7</sup> The name of the Unemployment Compensation Commission was changed to the Employment Security Commission by H. 394, approved November 9, 1961.



**Ch. 33** (*Approved and effective 8/9/61*). Increases the maximum weekly benefit amount from \$40 to \$50 and the fraction of base-period wages used to compute the duration of benefits from 29 to 37 percent.

Provides that lag-period wages may be used for a subsequent benefit year only if an individual earns 10 times his weekly benefit amount after the beginning of his first benefit year.

Provides for a reduction in benefits by the amount of pension payments in *excess* of the weekly benefit amount if such pension is financed entirely by a base-period employer. If the employee participated in financing the pension, the deduction from the weekly benefit amount will be reduced in the same proportion as the employee's contribution is to the total amount of the pension.

Excludes from "wages" holiday pay paid during unemployment and vacation pay paid during or incident to any period of unemployment.

**Ch. 259** (*Approved 12/28/61; effective 3/28/62*). Establishes a Department of Labor and Industrial Relations and transfers the Employment Security Commission (previously the Unemployment Compensation Commission) to this department. (See also **State Department of Labor.**)

## WORKMEN'S COMPENSATION

**Ch. 126** (*Approved and effective 7/10/61*). Makes the employer liable for the fees of any medical witnesses who testify in behalf of an injured employee in hearings before the Industrial Accident Board, if the employee receives an award.

Provides that a covered employee shall have the right to engage a doctor, dentist, optometrist, or chiropractor of his own choosing, provided written notice of intention to do so is given the employer. Formerly, the employee was required to apply to the board in writing for permission to employ medical aid.

Gives to any employee who has filed a claim for compensation the right to inspect, copy, and reproduce his medical records in the possession of the employer or his insurance carrier.

(Amends 19 Del. C., secs. 2322 and 2323.)

**Ch. 259** (*Approved 12/28/61; effective 3/28/62*). Places the Industrial Accident Board within the Department of Labor and Industrial Relations as an autonomous division. (See also **State Department of Labor.**)

## DISTRICT OF COLUMBIA

[87th Congress—First Session]

## WORKMEN'S COMPENSATION

**Public Law 87-87** (*Approved 7/14/61*). Raises maximum weekly benefits for disability from \$54 to \$70. Raises from \$81 to \$105 the maximum average weekly wages on which death benefits are computed, thus raising maximum weekly death benefits from a range of \$28.35-\$54 to a range of \$36.75-\$70, according to number of dependents. Raises total maximum benefits for temporary total and permanent partial disability from \$17,280 to \$24,000.

## FLORIDA

[Regular Session 4/4/61-6/2/61]

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 61-182** (*Law without approval and effective 6/2/61*). Repeals the provision setting a minimum age of 16 for employment at any time in a factory, workshop, mill, mechanical establishment, or laundry. (Retains a minimum age of 16 during school hours, 12 outside school hours in any gainful occupation, with certain exceptions.)

Exempts minors employed as pages in the State legislature from all provisions of the child labor law.

Makes the provision setting a 16-year minimum age for work as a messenger for the distribution, transmission, or delivery of goods or messages, applicable to girls, rather than minors.

Amends the hazardous occupations provisions. Sets a minimum age of 16 for spraying of insecticides or other toxic substances. Exempts from the minimum age of 16 for operating power-driven machinery, power mowers with cutting blades of 24 inches or less; exempts from the 16-year minimum for the operation of motor vehicles, the operation of a motor scooter, if the minor is licensed to operate it.

Repeals the provisions which permitted children to be employed by motion picture studios in the production of motion pictures in any work not determined by the Industrial Commission to be hazardous, or detrimental to their health and well-being. Adds the making of motion pictures and engaging in sports contests to the employments in which minors 14 to 16 may engage later than hours otherwise set without the approval of the commission and in which minors under 14 may be so employed with the approval of the commission. Provides

that such minors may be employed until 12 midnight, rather than 11 p.m., in a concert, theatrical performance, television appearance, style show, sports contest, the making of motion pictures, and modeling.

Repeals the provision requiring owners of any manufacturing establishment where any minor under 18 years of age is employed to provide certain safety appliances.

(Amends F.S.A. secs. 450.011, 450.041, 450.061, 450.081, and 450.161, and repeals secs. 450.051 and 450.171.)

**Ch. 61-288** (*Law without approval and effective 6/22/61*). Authorizes the county superintendent of schools to issue employment certificates to minors 12 to 15 years of age who are exempted from school attendance, when, in his opinion, it is for the best interest of the child. Provides that such certificates may be issued without meeting the requirements otherwise specified, i.e., promise of employment, completion of the eighth grade, physician's certificate of physical fitness, and proof of economic need for work during school hours.

(Amends F.S.A. sec. 232.07 and other sections of the school law.)

**Ch. 61-429** (*Law without approval 6/22/61; effective 8/1/61*). Amends the beverage law to permit the employment of minors 18 and over in bona fide food service establishments where alcoholic beverages are sold, provided they do not participate in the sale, preparation, or service of the beverages, and their duties provide training and knowledge leading to further advancement in such establishments.

(Amends F.S.A. sec. 562.13.)

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 61-227** (*Approved 6/9/61; effective 8/1/61*). Provides for the entrance of Florida into the Southern Interstate Nuclear Compact. Provides that the Florida member of the board established under the compact shall be the chairman of the Florida Nuclear Commission when approved by the Governor; otherwise the Governor shall appoint the member. (For a description of the compact, see Alabama Act 52.)

**Ch. 61-262** (*Approved and effective 6/16/61*). Strengthens the 1957 law which created a Nuclear Development Commission authorized to coordinate State and local activities dealing with nuclear development, make recommendations to the Governor on legislation, and work with groups in the State on problems of regulation, insurance, safety, and public health, as related to nuclear energy. Changes the name of the commission to the Nuclear Commission.

Authorizes the Governor to designate a State regulatory agency empowered to provide by rule or regulation for licensing or registration of nuclear materials, or devices or equipment utilizing such materials.<sup>8</sup>

<sup>8</sup> The Governor has designated the State Board of Health.



Provides that the regulatory agency shall have the right to enter and inspect property upon which sources of ionizing radiation are located. Requires the agency to keep records of licenses, registrations, and rules and regulations. Authorizes it to require persons possessing or using a source of radiation to keep records as it may prescribe including records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules and regulations of the regulatory agency.

Authorizes the Governor to enter into agreements with the Federal Government to transfer certain responsibilities with respect to radiation sources to the State.

Permits municipalities to enact health regulations and ordinances not inconsistent with this act and the rules and regulations adopted under it.

Prohibits any person from using, manufacturing, transporting, or possessing any source of ionizing radiation unless it is licensed or registered with the regulatory agency in accordance with the provisions of the act.

(Amends F.S.A. secs. 290.01, 290.05, and 290.06. Adds new sections including secs. 290.051, 290.07, 290.08, 290.09, and others.)

**Ch. 61-428** (*Law without approval 6/22/61; effective 7/1/61*). Extends coverage of the safety law (which is incorporated in the workmen's compensation law) to those employers who have elected not to accept the workmen's compensation law.

Directs the Industrial Commission to cooperate with the Federal Government so that duplicate safety inspections will be avoided.

(Amends F.S.A. sec. 440.56.)

## PRIVATE EMPLOYMENT AGENCIES

**Ch. 61-37** (*Law without approval 5/15/61; effective 6/30/61*). Closes the "Florida Industrial Commission—private employment agency fund." Provides that funds necessary for the administration of the private employment agency law shall be appropriated by the legislature.

(Amends F.S.A. sec. 449.11.)

**Ch. 61-421** (*Law without approval and effective 6/22/61*). Transfers the administration of the private employment agency law from the Industrial Commission to the Secretary of State.

(Amends F.S.A. secs. 449.01, 449.02, 449.11, and 449.13.)

## UNEMPLOYMENT INSURANCE

**Ch. 61-132** (*Approved 5/30/61; effective 7/1/61*). Authorizes the Florida Industrial Commission to act as agent for the United States



Department of Labor in the event of national emergency whenever the Federal Emergency Unemployment Payment Plan is invoked.

**Ch. 61-173** (*Approved 6/1/61; effective 8/1/61*). Changes the computation of the weekly benefit amount from an average weekly wage in the high quarter to an average weekly wage in the base period.

**Ch. 61-228** (*Approved 6/12/61; effective 1/1/62*). Extends coverage to include: service on or in connection with American aircraft outside the United States; all service in connection with the hauling of fresh citrus fruits; service for privately owned Federal instrumentalities; service for nonprofit organizations subject to the Federal Unemployment Tax Act; service performed by students not as part of their training nor under the supervision of school authorities.

## HAWAII

[Regular Session 2/15/61-6/3/61]

### CHILD LABOR AND SCHOOL ATTENDANCE

**Act 2** (*Approved and effective 4/27/61*). Removes the provision exempting from compulsory school attendance any child who has passed the eighth grade and lives more than 4 miles from any public school which conducts classes above the eighth grade.

(Amends sec. 40-9, Rev. Laws 1955.)

**Act 6** (*Approved and effective 5/5/61*). Extends until June 30, 1963, the authority of the Director of the Department of Labor and Industrial Relations to permit minors under 14 to work outside school hours for an employer engaged in the growing of coffee if the director determines that sufficient adult labor is not available.

(Amends sec. 88-22, Rev. Laws 1955.)

### INDUSTRIAL RELATIONS

**Act 31** (*Approved and effective 5/11/61*). Extends coverage of the Hawaii Employment Relations Act to persons engaged in the milking or feeding of milch cows.

(Amends sec. 90-2, Rev. Laws 1955.)

### PRIVATE EMPLOYMENT AGENCIES

**Act 45** (*Approved and effective 5/16/61*). Authorizes the Director of the Department of Labor and Industrial Relations to set the maximum fees that employment agencies may charge. Deletes the former statutory limits on fees which ranged from 10 to 20 percent of the first month's earnings.

Raises the amount of the bond that employment agencies are required to post from \$3,000 to \$5,000.

(Amends secs. 88A-4 and 88A-10, Rev. Laws 1955.)

## UNEMPLOYMENT INSURANCE

**Act 4** (*Approved and effective 4/28/61*). Amends the provision relating to the requirement for any reduction in contribution rates by providing that the fund available for benefit payments shall be at least 5 percent of the average of total annual payrolls of all employers for the 5 (instead of the 10) preceding calendar years.

**Act 81** (*Approved and effective 5/22/61*). Narrows the domestic service exclusion by excluding service performed in a calendar quarter by an individual if the cash remuneration paid by an employing unit for such service is less than \$225.

**Act 94** (*Approved and effective 5/23/61*). Amends the "able and available" provision by providing that a claimant is not ineligible if he is ill or disabled after filing his claim for benefits and registering for work if no suitable work is offered after the beginning of such illness or disability.

**Act 114** (*Approved and effective 5/25/61*). Effective for benefit years beginning on or after July 2, 1961, increases the maximum weekly benefit amount from \$45 to \$55, thereby increasing the potential maximum total benefits in a benefit year from \$1,170 to \$1,430.

Provides that an individual shall be eligible to receive benefits for the waiting period of 1 week if he is entitled to benefits for each of the 12 consecutive weeks following the waiting period.

Effective January 1, 1962, increases the limitation on taxable wages from \$3,000 to \$3,600.

**Act 137** (*Approved and effective 7/6/61*). Provides the terms and conditions under which agricultural employees would receive benefits and the method by which the benefits would be financed. (Agricultural employees were brought under coverage in 1959.)

**Act 138** (*Approved and effective 7/6/61*). Gives agricultural employers a choice of covering their workers under the unemployment insurance law on a contributory basis or under the agricultural unemployment compensation law on a reimbursable basis.

**Act 141** (*Approved and effective 7/6/61*). Deletes from the employment exclusions (thus extending coverage to): service in connection with the collection of dues or premiums for a tax-exempt fraternal beneficiary society and performed away from the home office, or ritualistic service in connection with such society; and service performed in the employ of an agricultural or horticultural organization exempt from the Federal income tax.

**Act 157** (*Approved and effective 7/7/61*). Provides a permanent program of 13 weeks extended duration during unemployment caused by a natural or manmade disaster, for those who are otherwise eligible for benefits. These benefits are provided under a separate law, the Additional Unemployment Compensation Benefits Law, for which \$50,000 was appropriated from the general funds of the State.

## WAGES AND HOURS—ALL WORKERS

**Act 118** (*Approved and effective 5/25/61 except provisions requiring wage statements, effective 1/1/62*). Requires employers covered by the wage and hour law to post conspicuously in work establishments notices pertaining to the application of the law. Requires every covered employer to furnish each employee at every pay period a statement showing total hours worked and overtime hours; straight-time, overtime, and other compensation, and total gross compensation; amount and purpose of each deduction; net compensation; and date of payment and pay period covered.

(Amends sec. 94-6, Rev. Laws 1955).

## WORKMEN'S COMPENSATION

**Act 5** (*Approved and effective 4/28/61*). Raises the maximum burial allowance from \$750 to \$1,000.

(Amends sec. 97-23, Rev. Laws 1955.)

**Act 99** (*Approved and effective 5/23/61*). Specifies that "disfigurement" shall include any scarring or other disfigurement resulting from medical, surgical, or hospital treatment furnished the employee.

(Amends sec. 97-26, Rev. Laws 1955.)

**Act 115** (*Approved and effective 5/25/61*). Exempts claims for compensation for injury or disease caused by compressed air, or due to occupational exposure to, or contact with, arsenic, benzol, beryllium, zirconium, cadmium, chrome, lead, or fluorine, or due to exposure to X-rays, radium, ionizing radiation, or radioactive substances from the time limit for filing claims of 2 years from injury or death and 5 years from the accident which caused the injury. For such diseases or injuries, establishes instead a limit of 2 years after knowledge that the injury or disease was caused by the employment or resulted from the nature of the employment.

(Amends sec. 97-52, Rev. Laws 1955.)



## IDAHO

[Regular Session 1/2/61-3/3/61]

**CHILD LABOR AND SCHOOL ATTENDANCE**

**Ch. 247** (*Approved 3/11/61; effective 5/2/61*). Creates an Idaho Youth Conservation Project, a pilot project under the jurisdiction of the Idaho State Forester, for the employment of boys 14-17 years old for the summers of 1961 and 1962. Authorizes the State Forester to formulate rules and regulations, set up a regular work, training, and recreation schedule, and establish health and safety standards.

Provides that each participant shall be paid \$30 a month in addition to board, lodging, medical services to be specified, and certain clothing and equipment. Authorizes the State Forester to furnish quarters, transportation, and such additional medical, clothing, or other items as he deems appropriate. Provides workmen's compensation coverage by considering participants as civil employees of the State, but excludes them from existing provisions of law with respect to hours, wages, sick leave, and vacation and unemployment compensation.

Requires the State Forester to prepare a comprehensive report of the program, with recommendations, to be given the Governor and mailed to each legislator by November 16, 1962.

Appropriates \$61,000 to carry out the act.

**DISCRIMINATION IN EMPLOYMENT**

**Ch. 309** (*Approved 1/13/61; effective 5/2/61*). Makes it a misdemeanor to deny the right to work to any person because of his race, creed, color, or national origin by refusing to hire, discharging, barring from employment, or discriminating in compensation or conditions of employment.

**OCCUPATIONAL HEALTH AND SAFETY**

**Ch. 243** (*Approved 3/11/61; effective 5/2/61*). Directs the State Board of Health, in cooperation with the State Department of Labor and the State Industrial Accident Board, to adopt standards and regulations governing the use of byproduct, source, and nuclear materials, to require the registration of ionizing radiation sources and machines, and to issue licenses to registrants. Authorizes the Governor to enter into agreements with the Atomic Energy Commission to insure that the State fulfills its obligation to protect the health of its citizens against radiation without duplication of efforts between the Federal and State Governments.



Specifies that the representatives of the State Board of Health, State Department of Labor, and State Industrial Accident Board shall have the right of entry into any place where radiation sources and machines are stored or are being used, to determine whether there exist any violations of the regulations relating to the safe storage and use of such sources and machines, and whether the place of business or equipment is in conformance with the regulations. Directs these three agencies to agree on an inspection system that will result in inspection by one agency and a single recommendation or order for compliance. Requires that the owner or operator be notified of any violation, and requires him to discontinue operation immediately until remedial action can be taken.

## UNEMPLOYMENT INSURANCE

**Ch. 3** (*Approved and effective 1/25/61*). Amends the provision for extending duration of benefits during periods of high unemployment by permitting its application monthly instead of quarterly.

**Ch. 112** (*Approved 3/6/61; effective 1/1/62*). Extends coverage to employees of political subdivisions of the State with some exceptions.

**Ch. 294** (*Approved 3/13/61; effective 5/2/61*). Provides that the disqualification for the major causes—voluntary quit, discharge for misconduct, or failure to apply for or accept suitable work—shall be for the duration of the unemployment plus wages of at least eight times the weekly benefit amount instead of 30 days of bona fide work.

**Ch. 298** (*Approved 3/13/61; effective 5/2/61*). Effective July 2, 1961, changes the maximum weekly benefit amount from \$40 to the greater of \$40 or 52½ percent of the State average weekly wage in covered employment in the preceding year. Increases the minimum weekly benefit amount from \$15 to \$17, thereby increasing the minimum high-quarter wages from \$300 to \$365 and minimum base-period wages from \$472 to \$572.

Provides that benefits may be paid an individual while he is attending a refresher or special training course if assigned to such course by the director.

Includes as wages all payments received for retirement under the Federal OASI act, or under a retirement plan in which the employer has paid all or part of the cost.

Effective for the calendar year 1961 and 1962, provides for a 25-percent increase in all contribution rates.

## WORKMEN'S COMPENSATION

**Ch. 113** (*Approved 3/6/61; effective 5/2/61*). For an occupational disease caused by exposure to radiation, removes the time limit

for giving written *notice* of an occupational disease to the employer, and permits a *claim* to be filed within 1 year after disability and knowledge that the disease was caused by the employment. (For occupational diseases generally, notice must be given within 60 days after first manifestation, and, except for silicosis, within 5 months after the last employment in which exposure was claimed. Claim must be filed within 1 year after disability.)

(Amends sec. 72-1228, Idaho Code.)

**Ch. 152** (*Approved 3/11/61; effective 5/2/61*). Makes more specific and comprehensive the definition of agricultural pursuits (which are excluded from the workmen's compensation law). Provides that such agricultural pursuits "shall include the raising or harvesting of any agricultural or horticultural commodity including the raising, pelting, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife raised in captivity, on enclosed lands and public ranges." Formerly they were defined to "include the care-taking and handling of livestock on enclosed lands and public ranges."

(Amends sec. 72-105A, Idaho Code.)

## ILLINOIS

[Regular Session 1/4/61-6/30/61]

### DISCRIMINATION IN EMPLOYMENT

**S. 609** (*Approved and effective 7/21/61*). A fair employment practice act. Makes it unlawful to discriminate in employment because of race, color, religion, national origin, or ancestry. Covers, until January 1, 1963, employers of more than 100 persons during 20 weeks a year; during 1963 and 1964, those employing 75 persons; and thereafter those employing 50 persons. Exempts from coverage any nonprofit corporation or association organized for fraternal or religious purposes, any school, educational, or charitable institution affiliated with a church or religious institution, and any nonprofit social club. Specifically makes the act applicable to all public works contracts.

Prohibits specified practices by employers, employment agencies, and labor organizations as discriminatory if based upon race, color, religion, national origin, or ancestry. Includes such actions as refusing to hire or discriminating in conditions of employment; refusing to classify job applicants properly or refer them for employment; limiting or classifying union membership or taking any action which

adversely affects a person's status as an apprentice. Specifically permits employers to select or discharge persons on any basis not prohibited, or when based on a bona fide occupational qualification.

Provides for a Fair Employment Practices Commission, consisting of five members appointed by the Governor with the advice and consent of the Senate, to administer the act. Provides that no more than three members shall be of the same political party.

Authorizes the commission to receive verified complaints of unfair employment practices, to investigate charges and attempt to eliminate any discrimination by conciliation, and, if this fails, to hold a formal hearing. Authorizes the commissioner or hearing examiner to issue a cease and desist order, and an order requiring the necessary affirmative action. Provides for review and enforcement of the order by the full commission and for judicial review thereafter.

## MIGRATORY WORKERS

**H. 669** (*Approved and effective 8/25/61*). The "Illinois Migrant Labor Camp Law." Provides that no person shall operate or maintain a migrant labor camp after December 31, 1961, without obtaining a license from the Department of Public Health. Defines "migrant labor camp" as living quarters for six or more seasonal or temporary migrant farmworkers and their dependents. Sets specific standards which the camp must meet to qualify for a license, including requirements relating to: location of campsite, shelters, heat, exits, water supply, toilets, bathing and laundry facilities, and refuse disposal.

Specifies that the license is to be issued on a calendar year basis, and that it may be suspended or revoked. Establishes an annual license fee of \$10.

Requires the department, upon receipt of an application for a license, to inspect the campsite and its facilities. Provides for the issuance of a conditional license if the proposed camp, although not in compliance with the law and regulations, is habitable without undue prejudice to the migrant workers and their families. Specifies that no more than three consecutive annual conditional licenses may be issued with respect to any one camp.

Authorizes the department to adopt rules and regulations to carry out the law, after a public hearing, and to enter camp premises at all reasonable hours for the purpose of inspecting the camp and its facilities for compliance with the law and regulations.

Makes it a misdemeanor, punishable by a fine of not more than \$500, to operate a camp without a license, or in violation of the law or regulations, with each violation considered a separate offense.

(Enacts secs. 185.1 through 185.14, Ch. 111½, Ill. Rev. Stat.)



**H. 920** (*Approved and effective 8/25/61*). Authorizes the Department of Public Health to inspect migrant labor camps, and to prepare rules and regulations governing the construction and sanitary maintenance of such camps.

(Amends sec. 55.04, Ch. 127, Ill. Rev. Stat.)

## OCCUPATIONAL HEALTH AND SAFETY

**H. 669** (*Approved and effective 8/25/61*). See **Migratory Workers**.

**H. 920** (*Approved and effective 8/25/61*). See **Migratory Workers**.

**H. 1207** (*Approved and effective 7/28/61*). Provides for a single division of Safety Inspection and Education in the Department of Labor to take over the safety inspection and safety education functions formerly performed by the Division of Factory Inspection and the Division of Safety Inspection and Education, respectively. Provides for an advisory board appointed by the Director of the Department of Labor, in place of the former Safety Education Commission appointed by the Governor.

(Replaces secs. 59.1 through 59.16, Ch. 48, Ill. Rev. Stat. by new secs 59.1 through 59.9.)

## UNEMPLOYMENT INSURANCE

**H. 346** (*Approved 7/28/61; effective 1/1/62*). Changes the disqualification for commission of a felony from one in terms of larceny and embezzlement to a general disqualification for "theft."

**H. 577** (*Approved and effective 4/7/61*). Effective for weeks of unemployment beginning July 2, 1961, increases the maximum weekly benefit amount from \$32 to \$38 for claimants without dependents; from \$37 to \$43 for claimants with a nonworking spouse; \$40 to \$47 for claimants with 1 child; from \$44 to \$51 for claimants with 2 children; from \$47 to \$55 for claimants with 3 children; and from \$50 to \$59 for claimants with 4 or more children.

Increases the minimum qualifying base-period wage requirement from \$700 to \$750. Also increases the wage requirement outside the high quarter from \$150 to \$175.

Provides that temporary emergency benefits shall not be paid when Federal extended benefits are available.

**H. 1606** (*Approved and effective 7/13/61*). Specifically provides that an individual shall not be deemed unavailable for any week between July 1, 1961 and July 1, 1963, because he is attending a full-time day vocational training course approved by the director. Limits benefits under the program to eight times the weekly benefit amount.



Effective January 1, 1962, includes as employment, service performed on or in connection with an American aircraft. Excludes service performed on or in connection with an aircraft not an American aircraft if an individual is performing the service when the aircraft is outside the United States.

Effective January 1, 1962, deletes from the employment exclusions (thus extending coverage to): service performed for an organization exempt from income tax if such service is in connection with the collection of dues for a fraternal beneficiary society, and is performed away from the home office or is ritualistic service; service performed for an agricultural or horticultural organization exempt from income tax; and service performed for a voluntary employee's beneficiary association.

## WAGE PAYMENT AND WAGE COLLECTION

**H. 431** (*Approved and effective 8/8/61*). Makes the law setting time limits for payment of wages after discharge, layoff, strike, or other special conditions applicable when an employee's wages do not exceed \$300, rather than \$200.

(Amends sec. 39h, Ch. 48, Ill. Rev. Stat.)

## WAGES—ASSIGNMENT OF WAGES

**S. 300** (*Approved and effective 7/25/61*). Sets up procedures for creditors to follow in making a demand on the employer for wages assigned by a wage earner. Among other things, prohibits the making of such a demand unless the wage earner has defaulted for more than 40 days on his payment; requires the creditor to notify the wage earner of his intention to make such demand, at least 20 days prior to serving it; and provides that no wages shall be subject to such a demand if the employee files a notice of defense with the employer within prescribed time limits. Provides for specific forms for demand and notice to employee. Makes creditor liable for damages and attorney's fees in wrongful demand for wages.

(Amends sec. 39.2, repeals sec. 39.9, and adds secs. 39.2a, 39.2b, 39.4a, 39.4b, and 39.4c to Ch. 48, Ill. Rev. Stat.)

**S. 301** (*Approved and effective 7/25/61*). Limits to 15 percent, rather than 25 percent, the portion of a wage earner's wages which a creditor or creditors may collect from the wage earner's employer. Provides that if the wage earner's employment shall cease the assignment shall be valid against any future employer for 2 years from the date of the execution.

(Amends secs. 39.3 and 39.4, Ch. 48, Ill. Rev. Stat.)

## WAGES—PREVAILING WAGES

**S. 250** (*Approved and effective 8/8/61*). Clarifies and strengthens the law which requires prevailing wages to be paid on public works. For example, defines “public body” authorizing or undertaking such work to include State boards and commissions, and institutions supported in whole or in part by public funds. Newly covers laborers, workmen, and mechanics engaged in the transportation of materials and equipment to or from the site, not including transportation by sellers or suppliers. Defines prevailing rate of wages in terms of hourly, rather than per diem, wages, and requires determination of prevailing wages at least every 6 months. Provides that the “locality” for purposes of determining prevailing wages is the county where the physical work upon public works is performed but may include the nearest county in which workers may be obtained and, in highway contracts, may include two or more adjacent counties. Formerly, “locality” meant the county or other political subdivision in which the work was to be performed.

Among other changes to strengthen enforcement, prohibits any project from being instituted unless the act has been complied with, requires the public body to file a certificate of full compliance before the State may approve a project, and provides that motor fuel tax funds shall not be allocated to any public body until this certificate is filed.

(Amends secs. 39s-1 through 39s-7, and 39s-9 through 39s-11, Ch. 48, Ill. Rev. Stat., and adds sec. 39s-10a.)

## WAGES—WAGE GARNISHMENT

**H. 462** (*Approved 6/19/61; effective 7/1/61*). “An act relating to wage deductions for the benefit of creditors and regulating the issuance of deduction orders.” Takes the place of wage garnishment provisions removed from the garnishment law by H. 463. Exempts from collection under a deduction order wages in the amount of \$45 per week, or 85 percent of gross wages if greater, but not more than \$200 a week. Formerly the wage exemption under the garnishment law was a flat \$45 per week. (See also S. 301, Wages—Assignment, which sets a 15-percent, rather than a 25-percent, limit on the portion of wages which a creditor or creditors may collect from the employer.) Sets forth the procedure for obtaining and processing a wage deduction order.

(Enacts secs. 71 through 87, Ch. 62, Ill. Rev. Stat.)

**H. 463** (*Approved 6/7/61; effective 7/1/61*). Removes from the garnishment law any reference to *wage* garnishment. (See H. 462 for new wage garnishment provisions.)

(Repeals secs. 62.34 and 62.38, and amends secs. 62.33 and 62.39, Ch. 62, Ill. Rev. Stat.)

## WORKMEN'S COMPENSATION

**S. 775** (*Approved 6/30/61; effective 7/1/61*). Raises maximum weekly benefits for disability and death from a range of \$45-\$51 to a range of \$51-\$61, according to the number of dependents. Raises the minimum weekly benefits from a range of \$25.50-\$39 to a range of \$31.50-\$49. Lowers the percentage of average weekly wages on which benefits shall be based; e.g., from 75 percent to 65 percent if there are no children, and from 97½ percent to 80 percent if there are 3 or more children. Extends benefit period from 140 to 150 weeks for loss of sight of an eye and from 150 to 160 weeks for enucleation. Raises total maximum benefits in death cases from a range of \$12,250-\$15,000 to a range of \$13,500-\$17,500. (Total maximum benefits in disability cases are limited to the amount that would be payable in death cases, except that after this amount is reached, reduced permanent total disability benefits are payable for life.)

Provides that where an accidental injury results in damage to a denture or artificial member, the employer shall replace or repair the denture or artificial member. (In the case of damage to a denture, the accidental injury must be accompanied by physical injury.)

Provides that no award of compensation shall be reduced on account of any benefits or payments received by the employee other than compensation payments provided by this act.

Provides that the burial allowance of \$500 shall be payable whether or not there are dependents; formerly it was payable only if there were no persons entitled to death benefits. Provides that the employer shall pay \$400 into the Special Fund (subsequent injury fund) in all death cases (formerly only in cases where there were dependents).

(Amends secs. 138.3, 138.4, 138.7, 138.8, 138.13, and 138.19, Ch. 48, Ill. Rev. Stat.)

**S. 776** (*Approved 6/30/61; effective 7/1/61*). Makes occupational diseases caused by atomic radiation compensable within 5 years, rather than 3 years, after last exposure, retaining the time limit for filing claim of 1 year after disablement or last payment.

Makes other changes in the occupational diseases act, as to bene-



fits and as to payments into the Special Fund, identical with the changes made by S. 775 in the workmen's compensation act.

(Amends secs. 172.36, 172.39, 172.42, 172.43, and 172.54, Ch. 48, Ill. Rev. Stat.)

## INDIANA

[Regular Session 1/5/61-3/7/61]

### CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 154** (*Approved 3/6/61; effective 7/6/61*). Clarifies the provision of the school law concerning the place where employment certificates shall be obtained. Requires resident minors to obtain certificates in the place where they reside, and minors not residing in the State, in the place where they are seeking employment.

(Amends sec. 28-533, Burns Ind. Stat. Ann.)

**Ch. 157** (*Approved 3/7/61; effective 7/6/61*). Provides that after August 1, 1962, the minimum length of the school term, as recognized for all school purposes, shall be 9 months. (Previously the law provided that school trustees shall maintain a term of school of at least 6 months' duration.)

### DISCRIMINATION IN EMPLOYMENT

**Ch. 208** (*Approved 3/9/61; effective 7/6/61*). Makes various strengthening changes in the antidiscrimination act. Retains the voluntary nature of the law, except for contracts to which the State or a political subdivision is a party. Requires these contracts to contain a nondiscrimination clause, and provides that breach of this clause may be regarded as a material breach of the contract.

Deletes the exemption for employers of fewer than six persons and also the exemption for social clubs, nonprofit fraternal, charitable, and educational organizations, and those religious organizations which derive some of their support from public funds.

Creates an independent, 5-member Fair Employment Practices Commission to be appointed by the Governor, and provides that the Governor shall appoint a director as secretary and administrative officer of the commission. Gives the commission powers similar to those previously entrusted to the Commissioner of Labor or the Director of Fair Employment Practices appointed by him. Gives the commission certain additional powers, including the power to adopt rules and regulations; to initiate charges of discrimination; to create advisory agencies and conciliation councils to foster good will; to issue



publications and the results of studies which will tend to minimize discrimination; and to subpoena witnesses and require the production of books and papers. (Formerly the attendance of witnesses could be "requested.")

(Repeals secs. 40-2301 through 40-2306, Burns Ind. Stat. Ann., and enacts new provisions.)

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 116** (*Approved 3/4/61; effective 7/6/61*). Authorizes the State Board of Health to issue licenses for the manufacture, production, use, or other handling of radioactive materials, and to adopt regulations concerning such licensing, including exemptions where no significant hazard will be involved. Provides that no licensing respecting materials, devices, or equipment now under the jurisdiction of the United States Atomic Energy Commission shall be effective before an agreement is made for transfer of Federal regulatory authority to the State.

Retains the requirement for registration of persons handling radiation sources but not required to have licenses. (A 1959 act required registration and gave the board rulemaking authority for control of radiation hazards.)

Authorizes the Governor to enter into agreements with the Federal Government for discontinuance of certain of its responsibilities with respect to sources of radiation and their assumption by the State.

(Amends secs. 3, 9, 10, 11, and 20 of Ch. 77, Laws of 1959.)

## WORKMEN'S COMPENSATION

**Ch. 101** (*Approved 3/6/61; effective 4/1/61*). Makes the general time limit for filing claims under the workmen's compensation act, of 2 years after the accident, inapplicable to claims for disability resulting from exposure to radiation. Provides instead that such claims must be filed within 2 years from the date on which the employee had knowledge of his injury, or by the use of reasonable diligence should have known of the existence of such injury and its relationship to his employment.

(Amends sec. 40-1224, Burns Ind. Stat. Ann.)

**Ch. 240** (*Approved 3/9/61; effective 4/1/61*). Provides, under the occupational disease law, that radiation diseases shall be compensable only if disablement occurs within 2 years from the date the employee knew the nature of his disease or should have known of its existence and relationship to his employment. (Other occupational diseases are compensable only if disablement occurs within 2 years after the last exposure, or 3 years for silicosis or asbestosis.) Retains

the provision in another section of the law that claim must be made within 2 years after disablement.

(Amends sec. 40-2205, Burns Ind. Stat. Ann.)

**Ch. 366** (*Adopted 3/3/61*). Provides for the appointment of a special committee to continue the work of a committee first appointed in 1959, of drafting a recodification of the workmen's compensation and occupational diseases laws. The committee is to consist of two members from the Senate, two from the House, and a member of the Industrial Board. Provides for the appointment of two attorneys to assist the committee, one representing labor and one representing management. Specifies that the committee's investigation shall include study of radiation diseases and injuries and the feasibility of handling benefits for resulting disability under a special fund. Calls for a report of recommendations by November 1, 1962, to the Legislative Advisory Commission for transmission to the 1963 legislature.

## IOWA

[Regular Session 1/9/61-5/6/61]

### OCCUPATIONAL HEALTH AND SAFETY

**Ch. 82** (*Approved 4/4/61; effective 7/4/61*). Adds to the types of vessels exempt from the boiler inspection law unfired steam pressure vessels not greater than 5 cubic feet in volume and not having a pressure greater than 250 pounds per square inch, and those not greater than 1½ cubic feet in volume with no limit on pressure.

Specifies that internal inspection shall not be required of unfired steam pressure vessels where they have been manufactured without inspection plates and where it would be necessary for them to be drilled in order to be inspected. Provides, however, that such vessels must be reported to the Bureau of Labor and certified by the inspector that they are safe.

(Amends sec. 89.3, Iowa Code Ann.)

### UNEMPLOYMENT INSURANCE

**Ch. 84** (*Approved 3/29/61; effective 7/4/61*). Amends the voluntary leaving disqualification provision by providing for the cancellation of only those wage credits an individual earned in employment which he left. At present, the law is interpreted to require the cancellation of all wage credits.

Repeals proviso which excludes from disqualification an individual who voluntarily left his employment after a 90-day period under specified conditions.

**Ch. 85** (*Approved 5/3/61; effective 7/4/61*). Makes technical amendments to the experience rating provisions. Also provides a penalty for failure to file required wage reports.

## KANSAS

[Regular Session 1/10/61–4/14/61]

### CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 262** (*Approved 4/12/61; effective 6/30/61*). Deletes several provisions from the mining law, including a provision setting a minimum age of 18 for hoisting engineers in mines 100 or more feet in depth.

(Amends sec. 49–202, G.S. 1949, and other sections of the mining law.)

### DISCRIMINATION IN EMPLOYMENT

**Ch. 248** (*Approved 4/13/61; effective 6/30/61*). Makes mandatory the formerly voluntary antidiscrimination act. Excludes from coverage any member of a religious creed whose practices include a refusal to recognize the flag of the United States or a refusal to serve in the Armed Forces of the United States.

Changes the name of the Antidiscrimination Commission to the Commission on Civil Rights, providing as before for two members representing industry, two representing labor, and one representing the public, all appointed by the Governor. Authorizes the commission to receive and investigate complaints; hold hearings; create advisory agencies and conciliation councils; prepare an educational program in cooperation with the State Department of Education; and issue publications and results of research.

Specifies unlawful employment practices for employers, employment agencies, and labor organizations. Provides that complaints may be filed with the commission by an aggrieved person, by the Attorney General, or by an employer whose employees refuse or threaten to refuse to cooperate with the provisions of the act. Directs the commission to endeavor to eliminate any unlawful practice by conciliation, and if this fails, to hold a public hearing and, if it is found that an unlawful practice exists, to issue a cease and desist order which is enforceable in the courts and subject to judicial review. Specifies that the order may include a requirement for hiring, upgrading, or other affirmative action, and a requirement for a report on compliance.

(Amends secs. 44–1001, 44–1002, 44–1003, 44–1004, and 44–1005, G.S. 1959 Supp., and repeals sec. 44–1008.)



## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 262** (*Approved 4/12/61; effective 6/30/61*). See **Child Labor and School Attendance**.

## UNEMPLOYMENT INSURANCE

**Ch. 245** (*Approved 4/14/61; effective 5/1/61*). Deletes the provision under which an individual could continue to be eligible for benefits if illness or disability occurred after he filed a claim and registered for work if no offer of suitable work was refused after beginning of such disability.

Provides that an individual who leaves work because of domestic or family responsibilities shall be disqualified for benefits until he again becomes employed and has had earnings of at least eight times his weekly benefit amount.

Adds a disqualification for gross misconduct for the duration of the unemployment and until the individual earns eight times his weekly benefit amount.

Amends the labor dispute disqualification by providing that claimant's failure or refusal to cross a picket line, or refusal during the dispute to accept his available and customary work, shall be considered as participation and interest in the dispute.

Adds a disqualification for any week with respect to which an individual is receiving compensation for temporary or permanent total disability under workmen's compensation.

**Ch. 247** (*Approved 4/5/61; effective 7/1/61*). Requires any contractor who is an employer, who contracts with any subcontractor, to withhold sufficient money on a contract to guarantee that all contributions, penalties, and interest are paid upon the completion of such contract or to require a bond guaranteeing payment of all contributions, penalties, and interest due.

## WORKMEN'S COMPENSATION

**Ch. 243** (*Approved 4/14/61; effective 6/30/61*). Raises maximum medical benefits from \$2,500 to \$4,000.

Revises the subsequent injury fund provisions. Among other changes, broadens coverage. Formerly workmen were covered if both the previous and the subsequent disability consisted of the loss, or loss of use of, a specific member of the body, and if the result of both injuries together was permanent total disability. Under the new provisions, the prior handicap may be a physical or mental impairment due to any of a list of specified causes, such as diabetes,



amputation, cardiac disease, silicosis, or mental illness, and the subsequent injury may be any compensable injury.

Requires the employer to file with the Workmen's Compensation Director, prior to the subsequent injury, a notice of the handicap claimed.

Provides for all benefits to be paid from the subsequent injury fund if the director finds that the subsequent injury would not have occurred but for the preexisting impairment. If he finds that the subsequent injury would have been sustained regardless of the prior disability, but the resulting disability was contributed to by the preexisting impairment, provides for benefits to be paid from the fund for that proportion of the award which is attributable to the preexisting impairment and for the remainder of the award to be paid by the employer. (Formerly, the employer was liable for benefits for the subsequent injury computed as though there had been no prior disability, and the subsequent injury fund paid the remainder of benefits due for permanent total disability less the amount assigned in the schedule for the first disability.)

Deletes the provision permitting handicapped employees to waive their rights to recover compensation from the employer. However, retains the provision permitting an employee, with the approval of the director, to waive compensation for aggravation of an occupational disease, except that benefits shall be payable for total disability or death up to 100 weeks.

(Amends secs. 44-504, 44-510, 44-543, 44-551, 44-552, 44-556, 44-567, and 74-710, G.S. 1959 Supp., and secs. 44-512a and 44-566, G.S. 1949, and repeals sec. 44-567a, G.S. 1959 Supp.)

## LOUISIANA

[Regular Session 5/8/61-6/6/61]

### WAGES—WAGE GARNISHMENT

**Act 25** (*Approved 6/6/61; effective 6/26/61*). Expressly waives the State's immunity to suit for garnishment of the wages of public employees or contractors.

Amends the Revised Statutes to conform to changes made in the Code of Civil Procedure in 1960 which raised the amount of exemption from garnishment from \$60 to \$100.

(Amends LSA—R.S. 13:3661 and 13:3881.)

**MAINE**

[Regular Session 1/4/61-6/17/61]

[First Special Session 11/27/61-12/2/61]

**CHILD LABOR AND SCHOOL ATTENDANCE**

**Ch. 135** (*Approved 3/24/61; effective 9/16/61*).

**Ch. 162** (*Approved 3/31/61; effective 9/16/61*).

**Ch. 417** (*Approved 12/2/61; effective 3/3/62*). Lowers from 16 to 14 the minimum age for work at any time in automatic laundries and in retail establishments where frozen dairy products are manufactured on the premises. Retains the 16-year minimum age for such work if the employment necessitates the child's remaining away from home overnight.

Specifies that the 9-54-hour law for females 16 and over in certain establishments shall apply to retail establishments where frozen dairy products are manufactured on the premises, and to automatic laundries.

(Amends R.S., c. 30, secs. 23, 25, 30, and 32.)

**HOURS OF WORK**

**Ch. 135** (*Approved 3/24/61; effective 9/16/61*).

**Ch. 162** (*Approved 3/31/61; effective 9/16/61*).

**Ch. 417** (*Approved 12/2/61; effective 3/3/62*). See **Child Labor and School Attendance**.

**INDUSTRIAL RELATIONS**

**Ch. 298** (*Approved 5/11/61; effective 9/16/61*). Makes it unlawful for any person, acting individually or in concert with others, by mass picketing, force, coercion, or obstruction in a street, railway, or entrance to any place of employment, to prevent or attempt to prevent the delivery of any supply or service necessary for the maintenance of any building or equipment, or the harvesting, storing, or transportation to storage or market of a perishable food product. Sets penalty for violation.

(Adds sec. 35 to R.S., c. 136.)

**OCCUPATIONAL HEALTH AND SAFETY**

**Ch. 403** (*Approved 12/1/61; effective 3/1/62*). Gives the Department of Health and Welfare specific authority to issue regulations to prevent unnecessary radiation. (A 1957 law authorized the health department to include in the Sanitary Code conditions for the handling of radioactive material, and the department has issued radi-

ation regulations. The law also required registration of sources of radiation.) Provides that the regulations may include a requirement for licensing sources of radiation.

Authorizes the department, among other things, to inspect radiation sources for possible hazards, to conduct studies, and to develop policies for the evaluation of hazards and their amelioration.

Specifies that all sources of radiation shall be shielded, handled, and kept in such a way as to prevent unnecessary exposure to radiation.

Authorizes the Governor to execute contracts with the appropriate Federal agencies for the discontinuance of Federal responsibility for radiation regulation and the transfer of such responsibility to the State.

(Amends R.S., c. 52-A, sec. 2, and adds secs 5-A through 5-G.)

## UNEMPLOYMENT INSURANCE

**Ch. 361** (*Approved 6/9/61; effective 9/16/61*). Effective October 1, 1962, increases the maximum weekly benefit amount from \$33 (for \$2,900 in base-period wages) to \$34 (for \$2,900 in base-period wages) and the minimum from \$7 (for \$300 in base-period wages) to \$9 (for \$400 in base-period wages).

Changes the amount of earnings disregarded in computing weekly benefits for partial unemployment from \$10 earned in any employment to \$10 from other than regular employment. Provides that earnings received by a volunteer fireman shall not be deemed wages in computing benefits for partial unemployment.

Amends the able and available provision by deleting the proviso that a claimant is not ineligible if he becomes ill or disabled after filing a claim and registering for work if no suitable work has been offered after the beginning of such illness or disability. Also requires a claimant to be actively seeking work rather than making a reasonable effort to seek work.

Extends the period that a female claimant is presumed to be unavailable for work by including any week during which her unemployment is due to or the result of pregnancy, in addition to the 8 weeks before and 4 weeks after childbirth previously specified in the law.

Changes the disqualification for voluntary leaving from 5-14 weeks to the duration of the unemployment and until the claimant has earned 15 times the weekly benefit amount, and provides that such disqualification may not be avoided by periods of other employment unless such other employment shall have continued for 4 full weeks. Deletes the "good cause" exception for a claimant who makes a reasonable



effort to preserve his job rights if he left because of illness or disability. Provides that the voluntary leaving disqualification shall apply to individuals who retire. Changes the disqualification for misconduct from 7-14 weeks in addition to the waiting week to the duration of the unemployment and until the claimant has earned 20 times his weekly benefit amount.

Changes the disqualification for refusal of work from the duration of the unemployment to the duration and until the claimant has earned 15 times his weekly benefit amount. Specifically provides that lack of transportation shall not be a valid excuse for refusal of suitable work. Adds a disqualification for any week an individual receives terminal pay or vacation pay.

Changes the disqualification for fraudulent misrepresentation from 13-52 weeks to duration of the unemployment and until \$400 is earned in subsequent employment. Changes the disqualification for conviction of a felony or misdemeanor by requiring wages of \$400 instead of \$300 in subsequent employment.

## WAGE PAYMENT AND WAGE COLLECTION

**Ch. 95** (*Approved 3/14/61; effective 9/16/61*).

**Ch. 395** (*Approved and effective 6/17/61*).

**Ch. 417** (*Approved 12/2/61; effective 3/3/62*). Deletes street railways and construction or repair of street railroads from the section listing businesses required to pay wages weekly. Deletes from this section the provision that "any employee" leaving his or her employment in certain specified industries shall be paid in full within a reasonable time after demand at the office of the employer where payrolls are kept and wages are paid. Places this provision with general coverage in a separate section.

(Amends R.S., c. 30, sec. 50, and adds sec. 50-A.)

## WAGES AND HOURS—ALL WORKERS

**Ch. 92** (*Approved 3/10/61; effective 9/16/61*). Exempts any individual employed as a taxicab driver from coverage of the minimum wage law.

(Amends R.S., c. 30, sec. 132-B.)

**Ch. 277** (*Approved 5/10/61; effective 9/16/61*). Makes various changes in coverage and exemptions under the minimum wage law. Deletes the exemption for establishments with three or fewer employees "at any one location," and provides instead that "employers employing 4 or more employees in any day of the week" shall be subject to the act for that week. Specifies that the count of employees shall include students, waitresses, and certain other employees



otherwise exempted from the act. Newly exempts waiters and waitresses except counter waitresses and those whose tips are required to be divided with others, doormen, bellhops, or chambermaids in resort establishments, employees on commission whose hours and places of employment are not substantially controlled by the employer, and a few other types of employment. Specifies that the student exemption shall be limited to persons under the age of 19, and clarifies the exemptions for camp counselors, agricultural occupations, and commercial fishing operations.

Revises the definition of wages and deletes the provision that tips and commissions shall be included in the computation of wages.

Makes strengthening changes in the enforcement procedures. For example, requires employers to keep accurate wage and hour records, specifies right of entry whether or not there is a written complaint, and sets a fine on employers who discriminate against employees who make complaints.

(Amends R.S., c. 30, secs. 132-B, 132-C, 132-H, and 132-I, and adds sec. 132-A-1. Repeals Chs. 55 and 166, Laws of 1961, and incorporates them in Ch. 277.)

## WORKMEN'S COMPENSATION

**Ch. 156** (*Approved 3/28/61; effective 11/30/61*). Provides that workmen's compensation benefits may be paid to firemen or policemen for pulmonary and cardiac disease (excluding the common cold) caused by strenuous physical exertion or the inhalation of any deleterious emanation while on active duty, in addition to the existing coverage of such diseases if caused by participation at fires.

(Amends R.S., c. 31, sec. 69.)

**Ch. 178** (*Approved 4/7/61; effective 11/30/61*). Modifies the procedures for electing coverage. For example, provides that securing the payment of compensation shall create a conclusive presumption of election, whereas election was formerly made by filing a written assent with the Industrial Accident Commission. Specifically authorizes voluntary coverage of agricultural or domestic employees or of the employees of an establishment with five or fewer employees.

(Amends R.S., c. 31, secs. 2, 5, and 6.)

**Ch. 290** (*Approved 5/11/61; effective 9/16/61*). Provides that benefit payments shall not be decreased or suspended pending decision on a petition for review of the employee's incapacity or his need for vocational rehabilitation, except where employer and employee may

reach a new agreement unless and until the employer certified to the Industrial Accident Commission that the employee has resumed work, left the State or that his whereabouts is unknown, has refused to submit to a medical examination, or unless a certificate of a physician or surgeon is filed with the commission stating that in his opinion from a current examination the employee is able to resume work.

(Amends R.S., c. 31, sec 38.)

**Ch. 384** (*Approved 6/17/61; effective 11/30/61*). Provides that an injured employee shall be entitled to reasonable vocational rehabilitation services, where it appears necessary and desirable, for a period not to exceed 52 weeks, which may be extended for an additional 52 weeks by any member of the Industrial Accident Commission.

Requires the employer to make a report to the commission of any employee who is still incapacitated 6 months after an injury, amputation of any member, loss of one or both eyes, or loss of hearing in one or both ears. Requires the commission, upon receipt of such notice, or upon knowledge prior to the notice, to refer the case to the Division of Vocational Rehabilitation, Department of Education.

Provides that vocational rehabilitation may be arranged in consultation with the Division of Vocational Rehabilitation, subject to the following conditions: The employee must undertake the course within 60 days after he is sufficiently recovered to do so, or as soon thereafter as there shall be opportunity, and must continue in rehabilitation training with reasonable regularity; and the commission is to determine the rights and liabilities of the parties under this section as it does other issues under the workmen's compensation law.

Provides that the maximum weekly and total maximum benefits specified in the workmen's compensation law shall be exclusive of the cost of rehabilitation and of sustenance and travel during rehabilitation. Sets the weekly maximum payment for sustenance and travel at \$20, and the maximum total payment for sustenance, travel, and rehabilitation at \$2,000 during the first 52 weeks, and at \$500 during the second 52 weeks.

Provides that if an employee declines proper vocational rehabilitation, his rights to compensation may be suspended, and his compensation for the suspension period forfeited.

Raises the required contribution of the employer to the Industrial Accident Commission in death cases where there are no dependents from \$300 to \$500.

(Amends R.S., c. 31, secs. 9, 11, 12, 14, 22, 32, 38, and 44.)

## MARYLAND

[Regular Session 1/4/61-4/1/61]

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 323** (*Approved 4/24/61; effective 6/1/61*). Amends the hazardous occupations provisions to permit the employment of girls in restaurants at age 16, rather than 18.

(Amends sec. 10, Art. 100, Ann. Code 1957.)

## INDUSTRIAL RELATIONS

**Ch. 237** (*Approved 3/28/61; effective 6/1/61*). Makes it a misdemeanor for any person not directly interested in a strike to recruit, procure, supply, or refer any person as a replacement for strikers if such person customarily and repeatedly offers himself for employment as a striker replacement. Makes it unlawful for such strike-breakers to take or offer to take the place in employment of workers on strike.

(Adds sec. 51A to Art. 100, Ann. Code 1957.)

**Ch. 458** (*Approved 4/24/61; effective 6/1/61*). Makes it a misdemeanor for an employer or union official who has agreed with any employee or in a collective bargaining agreement to make payments to a health or welfare fund, pension fund or vacation plan, or other such employee benefit plan, to fail to make such payments, with intent to defraud.

(Adds sec. 138A to Art. 27, Ann. Code 1957.)

**Ch. 670** (*Approved 5/3/61; effective 6/1/61*). Enacts a law creating the "Metropolitan Transit Authority." Authorizes the authority to deal with, and enter into written contracts with, labor organizations representing its employees. Directs the authority to submit all unsettled labor disputes to arbitration.

(Adds Art. 64B to Ann. Code 1957.)

## UNEMPLOYMENT INSURANCE

**Ch. 368** (*Approved and effective 4/24/61*). Provides that an employer who has met all of the other requirements of the law to qualify for an experience rate, but does not have the required annual payrolls because he failed to pay contributions on time, shall be given a contribution rate for the following fiscal year of the greater of his earned rate or the standard rate.

## WORKMEN'S COMPENSATION

**Chs. 144, 440, and 719** (*Approved 3/23/61, 4/24/61, and 5/3/61, respectively; effective 6/1/61*). Provides workmen's compensation



coverage for prisoners working for the county roads board, the board of county commissioners, or the county council in Anne Arundel and Harford Counties, in addition to coverage already provided in the counties of Frederick, Wicomico, and Worcester.

Creates a Sundry Claims Board to administer benefits under the provisions entitling prisoners engaged in extrahazardous work to be heard before the board.

(Chapter 719 is identical with Chapter 440.)

(Amends secs. 35 and 35A, Art. 101, Ann. Code 1957; adds sec. 188A to Art. 41; and repeals sec. 212(e), Art. 89B.)

**Ch. 171** (*Approved 3/23/61; effective 6/1/61*). Extends workmen's compensation coverage to all members of rescue squads in Kent County while they are on duty.

(Amends sec. 34, Art. 101, Ann. Code 1957.)

**Ch. 238** (*Approved 3/28/61; effective 7/1/61*). Increases from five to seven the number of members on the Workmen's Compensation Commission, and increases the number of associate commissioners from four to six.

(Amends sec. 1, Art. 101, Ann. Code 1957.)

**Ch. 698** (*Approved 5/3/61; effective 6/1/61*). Deletes the \$5,000 limit on benefits for temporary total disability, and reduces the maximum benefit period from 6 to 4 years.

(Amends sec. 36, Art. 101, Ann. Code 1957.)

**Ch. 699** (*Approved 5/3/61; effective 6/1/61*). Provides that the dependents of a deceased worker are entitled to death benefits if death results from the injury within 5 years, rather than 3 years.

(Amends sec. 36, Art. 101, Ann. Code 1957.)

**Ch. 708** (*Approved 5/3/61; effective 6/1/61*). Extends coverage of the workmen's compensation act to the police of all municipal corporations in Prince Georges County which are subject to the provision of Article 11E of the Constitution of Maryland.

(Amends sec. 33, Art. 101, Ann. Code 1957.)

**Ch. 715** (*Approved 5/3/61; effective 6/1/61*). Extends workmen's compensation coverage to all members of the volunteer fire companies and rescue squads in Prince Georges County which receive payments as provided in sec. 650 of the county laws, while they are actually on duty.

(Amends sec. 34, Art. 101, Ann. Code 1957.)



## MASSACHUSETTS

[Regular Session 1/4/61-5/27/61]

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 44** (*Approved 2/9/61; effective 5/10/61*). See **Hours of Work**.

**Ch. 68** (*Approved 2/10/61; effective 5/11/61*). Sets a 6-day week for boys 16-18 years of age and girls 16-21 employed in any express or transportation company, private club, office, letter shop, or financial institution, or in any laundry, hotel, manicuring or hairdressing establishment, or in any motion picture or other theater, in any hospital in a nonprofessional capacity, as an elevator operator, as a switchboard operator in a private exchange, or in a beauty culture, weight reducing, or similar establishment.

(Amends M.G.L.A., c. 149, sec. 67.)

**Ch. 69** (*Approved 2/10/61; effective 5/11/61*). Extends coverage of the nightwork prohibition (10 p.m. to 6 a.m.) for boys 16-18 years of age and girls 16-21 to the same types of employment listed in Chapter 68.

(Amends M.G.L.A., c. 149, sec. 66.)

**Ch. 84** (*Approved 2/17/61*). See **Emergency Relaxations**.

## EMERGENCY RELAXATIONS

**Ch. 84** (*Approved 2/17/61*). Extends until July 1, 1962, the authority of the Commissioner of Labor and Industries to suspend the application of statutes or regulations concerning the employment of women and of minors over 16 in event of emergency or conditions of hardship in an industry or establishment.

## HOURS OF WORK

**Ch. 44** (*Approved 2/9/61; effective 5/10/61*). Extends the 9-48-hour law for minors 16-18 and females 18 and over to beauty culture, weight reducing, or other similar establishments.

(Amends M.G.L.A., c. 149, sec. 56.)

**Ch. 68** (*Approved 2/10/61; effective 5/11/61*). See **Child Labor and School Attendance**.

**Ch. 69** (*Approved 2/10/61; effective 5/11/61*). See **Child Labor and School Attendance**.

**Ch. 70** (*Approved 2/10/61; effective 5/11/61*). Makes the provisions requiring 1 day of rest in 7 applicable to persons employed in drug stores, except pharmacists, and to persons employed in garages. Deletes the exemption for livery stables.

(Amends M.G.L.A., c. 149, secs. 49 and 50.)

**Ch. 84** (*Approved 2/17/61*). See **Emergency Relaxations**.

## INDUSTRIAL RELATIONS

**Ch. 93** (*Approved 2/20/61; effective 5/21/61*). Provides that an employee retired because of age under a compulsory retirement plan must be notified in writing by his employer and by any labor organization which is a party to such plan, that he is not, by reason of such retirement, disqualified from receiving unemployment compensation benefits.

(Amends M.G.L.A., c. 151A, sec. 25.)

**Ch. 400** (*Approved 4/25/61; effective 7/24/61*). Requires every employer, if requested by the employee or his representative, to furnish information, at the time of payment of wages, of deductions for pension and vacation funds (already required for deductions for social security, unemployment compensation, and health and welfare funds). Also requires notice to the employee at the time an employer makes contributions to a fund for such purposes. Specifically makes these requirements applicable to persons engaged in contracting or sub-contracting for highway, building construction, or public works projects.

(Amends M.G.L.A., c. 149, sec. 150A.)

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 222** (*Approved 3/13/61; effective 6/11/61*). Requires proper ventilation in every establishment in which one or more persons is employed, rather than in factories, workshops, or garages where more than one person is employed.

(Amends M.G.L.A., c. 149, sec. 117.)

**Ch. 306** (*Approved 3/30/61; effective 6/29/61*). Revises the provision of the boiler law which provides for the ascertainment of horsepower ratings of boilers. Sets separate standards for the ascertainment of horsepower where solid fuel is burned, and where liquid or gaseous fuel or electric or atomic energy or any other source of heat is used. Specifies that the minimum safety valve relieving capacity shall be determined in accordance with the American Society of Mechanical Engineers Code.

(Amends M.G.L.A., c. 146, sec. 48.)

**Ch. 438** (*Approved 5/5/61; effective 8/3/61*). Authorizes the inspectors of the Department of Labor and Industries to require the installation of a dust removing device in any place of employment, rather than in any workshop or factory.

(Amends M.G.L.A., c. 149, sec. 118.)

**Ch. 585** (*Approved 5/27/61; effective 8/25/61*). Specifies right of entry for "other representatives" of the Division of Industrial Safety (in addition to the Director and inspectors), to "places of employment" (formerly "all buildings and parts thereof used for industrial purposes").

(Amends M.G.L.A., c. 149, sec. 17.)

## UNEMPLOYMENT INSURANCE

**Ch. 93.** (*Approved 2/20/61; effective 5/21/61*). See **Industrial Relations.**

**Ch. 393** (*Approved 4/21/61; effective 1/1/62*). Excludes from coverage service performed on or in connection with aircraft not an American aircraft if the individual is performing the service when outside the United States. Includes service performed on or in connection with an American aircraft if the service is performed within the United States or the service is performed when the aircraft touches at a United States port. Excludes from coverage services performed for instrumentalities partially as well as wholly owned by the United States.

Amends the definition of a "nonprofit organization" to include an organization organized and operated exclusively for testing for public safety. Specifically provides that a nonprofit organization does not include an organization that participates in, or intervenes in, any political campaign on behalf of any candidate for public office.

Amends provision which exempts from coverage service in the employ of an organization not subject to a Federal income tax if the wages for such service are less than \$50, by deleting the requirement that such service is in connection with the collection of dues for a fraternal beneficiary and is performed away from the home office, or is ritualistic service in connection with any such society, or is performed by a student attending classes at a school, college, or university.

Deletes from the employment exclusions (thus extending coverage to) service performed for any agricultural or horticultural organizations exempt from income tax and service performed for a voluntary employees' beneficiary association.

**Ch. 614** (*Approved 6/1/61; effective 8/30/61*). Increases the taxable wage base from \$3,000 to \$3,600. Changes the financing provisions by increasing the maximum contribution rate from 2.7 to 4.1 percent, and making other extensive changes in the provisions for computing contribution rates based on experience with unemployment.

## WAGE PAYMENT AND WAGE COLLECTION

**Ch. 400** (*Approved 4/25/61; effective 7/24/61*). See **Industrial Relations.**



## WAGES—PREVAILING WAGES

**Ch. 475** (*Approved 5/17/61; effective 8/15/61*). Specifies that the prevailing wage law shall apply to the installation of resilient flooring in, and the painting of, public buildings and public works. Provides that it shall also apply to the demolition of a structure ordered to be demolished by a public authority for the preservation of public health or safety.

(Amends M.G.L.A., c. 149, secs. 27C and 27D.)

## WAGES AND HOURS—ALL WORKERS

**Ch. 272** (*Approved 3/22/61; effective 6/19/61*). Provides that a special certificate for employment at less than the minimum wage may be issued to an employee certified by the Massachusetts Rehabilitation Commission as a handicapped person. The law already permits such certificates for employees whose earning capacity is impaired by age or physical or mental defects or injuries.

(Amends M.G.L.A., c. 151, sec. 9.)

**Ch. 431** (*Approved 5/5/61; effective 5/10/61*). Provides that sums paid as commissions, drawing accounts, bonuses, or other incentive pay based on sales or production, shall be excluded in computing overtime rates.

Exempts from coverage of the overtime provisions trainees for executive, administrative, or professional positions who earn more than \$80 a week; any individual employed in a seasonal business open only 4 months a year (formerly the law specified the four summer months); an individual employed in a nonprofit school or college; and employees of common carriers (formerly only common carriers of passengers by motor vehicle).

(Amends M.G.L.A., c. 151, sec. 1A.)

## WORKMEN'S COMPENSATION

**Ch. 503** (*Approved 5/23/61; effective 8/21/61*). Raises death benefits for dependents other than widow, widower, or child. Raises the total maximum benefits from \$6,000 to \$8,500, the weekly minimum from \$8 to \$12, and, for total dependents, raises the weekly maximum from \$15 to \$20.

(Amends M.G.L.A., c. 152, sec. 31.)

**Ch. 541** (*Approved 5/26/61; effective 8/24/61*). Raises maximum weekly death benefits from \$30 to \$35 for an unremarried widow or a widower; from \$35 to \$41 for an unremarried widow or widower and one child; and from \$5 to \$6 for each additional child. Raises maximum weekly benefits from \$10 to \$12 for each child of a remarried widow or widower. Raises maximum weekly benefits from \$35 to \$41



for surviving children of the deceased employee where there is no surviving widow or widower. Raises total maximum benefits from \$14,000 to \$16,000.

(Amends M.G.L.A., c. 152, sec. 31.)

**Ch. 602** (*Approved 5/31/61; effective 8/29/61*). Raises maximum weekly benefits from \$45 to \$50 for temporary total, permanent total, and permanent partial disability, plus, as before, \$6 a week for each total dependent but not more than the worker's average weekly wage in all. Raises the total maximum, exclusive of dependents' allowances, from \$14,000 to \$16,000 for temporary total disability and from \$15,000 to \$18,000 for permanent partial disability.

(Amends M.G.L.A., c. 152, secs. 34, 34A, and 35.)

**Res. Ch. 73** (*Approved and effective 4/27/61*). Establishes a special commission consisting of two members of the legislature, a representative of labor, and one of industry appointed by the Governor, the Commissioner of Rehabilitation, and the Chairman of the Industrial Accident Board, to study ways of encouraging rehabilitation and reemployment of injured workers through expanding the functions of the subsequent injury fund. Directs the commission to submit a report and recommendations by January 24, 1962.

## MINNESOTA

[Regular Session 1/3/61-4/17/61]

### DISCRIMINATION IN EMPLOYMENT

**Ch. 428** (*Approved 4/17/61*). Among other things, changes the name of the Fair Employment Practices Commission to the Commission Against Discrimination. (The change of name becomes effective July 1, 1962.)

(Amends M.S.A. secs. 363.01, 363.02 and various other sections.)

### WAGES—WAGE GARNISHMENT

**Ch. 568** (*Approved 4/20/61; effective 4/21/61*). Revises the law concerning exemptions of property and earnings from attachment and garnishment. Sets the maximum wage exemption at 50 percent of net wages earned and unpaid at the time of garnishment. Previously, the exemption was 50 percent of the net wages earned within the preceding 30 days, up to a maximum of \$75 a week.

(Amends M.S.A. sec. 550.37.)

## MISSOURI

[Regular Session 1/4/61-7/15/61]

**DISCRIMINATION IN EMPLOYMENT**

**S. 257** (*Approved 8/1/61; effective 10/13/61*). A fair employment practice act. Makes it unlawful to discriminate in employment because of race, creed, color, religion, national origin, or ancestry. Excludes from coverage employers of fewer than 50 persons within the State, and any corporation or association owned and operated by a religious or sectarian group.

Prohibits specified practices of employers, labor organizations, and employment agencies as discriminatory if based on race, creed, color, religion, national origin, or ancestry. Includes such actions as refusing to hire, or discriminating in conditions of employment; excluding, expelling, or discriminating in any way with respect to any union member or any individual employed by an employer; and advertising or using an application form which expresses any limitation, unless based upon a bona fide occupational qualification.

Provides that the law shall be administered by the Missouri Commission on Human Rights, established in 1959 to investigate complaints of discrimination and encourage fair treatment for all persons regardless of race or national origin. Authorizes the commission to receive and investigate complaints of unlawful discriminatory practices filed by aggrieved persons or by the Attorney General of the State, and to initiate complaints. Directs the commission to attempt to eliminate any unfair employment practices by conciliation, and if this fails, to hold hearings and to issue cease and desist orders which may include requirements for hiring, reinstatement or upgrading of employees, restoration to membership in a labor organization, or other affirmative action. Provides for judicial review of such orders.

Authorizes the commission to adopt rules and regulations, to issue publications and the results of studies and research which tend to promote good will and to minimize discrimination, and to make annual reports to the Governor and the legislature.

Provides that willful violation of the law shall constitute a misdemeanor.

**UNEMPLOYMENT INSURANCE**

**S. 18** (*Approved 5/24/61; effective 10/13/61*). Increases the maximum weekly benefit amount from \$33 to \$40. Changes the limitation on quarterly wages that may be used for computing duration of benefits from \$858 to 26 times the weekly benefit amount.

**H. 577** (*Approved and effective 7/6/61*). Provides for automatic extension of minimum benefit standards to the Missouri law if the Federal law is amended to include such standards.

**H. 699** (*Approved 7/24/61; effective 10/13/61*). Provides that an unemployed claimant, otherwise eligible for benefits, shall not be ineligible because of enrollment in and satisfactory pursuit of a retraining course approved by the director for the individual. Permits unemployed claimants to apply for a determination of potential eligibility for benefits during retraining. Also, under specified conditions, the director may require a claimant to take retraining to be eligible for benefits.

## WORKMEN'S COMPENSATION

**H. 151 and H. 243** (*Approved 7/24/61; effective 10/13/61*). Raises maximum weekly benefits from \$45 to \$47.50 for temporary total disability and death, and raises the weekly maximum from \$40 to \$42.50 for permanent total and permanent partial disability.

Increases maximum burial benefits from \$500 to \$650 and raises total maximum death benefits, in addition to funeral benefits, from \$15,000 to \$16,500.

Provides for disfigurement benefits where disfigurement occurs "about the normally exposed parts of the body" rather than "about the face or head."

(Amends RSMo., secs. 287.160 through 287.200 and sec. 287.240.)

## MONTANA

[Regular Session 1/2/61-3/2/61]

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 114** (*Approved 3/2/61; effective 7/1/61*). Provides that all school districts shall maintain free public schools for at least 180 days, rather than for not less than 6 months.

(Amends secs. 75-2201 and 75-2203, Rev. Codes 1947.)

## DISCRIMINATION IN EMPLOYMENT

**H.J. Res. 12** (*Approved 3/6/61*). See **Older Workers**.

## OLDER WORKERS

**H.J. Res. 12** (*Approved 3/6/61*). Resolves that the 37th legislative assembly declares it to be against public policy and an unfair employment practice for an employer, by himself or his agent, to



discriminate against an individual because he is between the ages of 40 and 65, as to hiring, discharge, terms and conditions of employment, classification or referral for employment, or advertising of employment opportunities. Specifies that this shall not apply to persons physically, mentally, or otherwise incapacitated from performing the duties of the employment, nor shall it affect a bona fide retirement policy nor preclude the varying of insurance coverage according to age.

## UNEMPLOYMENT INSURANCE

**Ch. 156** (*Approved 3/5/61; effective 4/1/61*). Effective for benefit years beginning on and after April 1, 1961, increases the maximum weekly benefit amount from \$32 to \$34 and the minimum from \$10 to \$15. Changes the weighted high-quarter schedule from approximately  $\frac{1}{18}$ – $\frac{1}{22}$  to approximately  $\frac{1}{20}$ – $\frac{1}{25}$ . Retains the qualifying base-period wage requirement of one and one-half times high-quarter wages but increases the minimum high-quarter wages from \$170 to \$285, thereby increasing minimum base-period wages from \$255 to \$427.50.

Changes the duration formula from a uniform 22 weeks to : 13 weeks for individuals who meet the one and one-half times high-quarter wage requirement; 20 weeks for individuals who, in addition to the regular requirement, have wages of \$100 in each of 2 quarters other than the high quarter; and 26 weeks for individuals who, in addition to the regular requirement, have wages of \$100 in each of 3 quarters other than the high quarter; and deletes the unlimited stepdown provision.

Reinstates the 1-week waiting period which was repealed in 1957.

Provides that an individual shall be paid benefits for total unemployment for any week in which earnings from any work are less than \$15 or not more than a day's work of 8 hours, whichever is greater. At present, benefits are paid for any week in which earnings from odd jobs or subsidiary work or both are less than \$15 or not more than a day's work of 8 hours plus any overtime immediately following such 8 hours.

Changes the disqualification period for voluntary leaving from 1–4 weeks to 1–5 weeks; discharge for misconduct from 1–4 weeks to 1–9 weeks; and refusal of work from 1–4 weeks following the week of such refusal to 1–5 weeks following such week. Restricts "good cause" for voluntary leaving to good cause attributable to the employment.

Provides a 12-month disqualification for gross misconduct connected with the work or committed on the employer's premises. Defines "gross misconduct" to mean a criminal act, other than a traffic violation, for which an individual has been convicted or to which he has admitted.

Amends pregnancy provision by permitting a claimant to submit evidence of her physical ability to work during pregnancy. Formerly, such evidence was required only after the seventh month. Retains provision requiring claimant to submit evidence of physical ability to work during the 2 months after childbirth.

Adds a disqualification for leaving most recent work to change residence in order to remain with husband or relatives. Such disqualification cancels all existing wage credits. Changes the disqualification for leaving work to marry from the duration of the unemployment to the duration of unemployment plus cancellation of existing wage credits.

Provides that the disqualification for receipt of payments under a workmen's compensation law shall apply to any disability instead of total disability. Also extends the disqualification to any occupational disease law.

Provides for noncharging benefits paid after a disqualification for leaving work because of pregnancy.

Changes the minimum fine for fraudulent misrepresentation to obtain or increase benefits from \$25 to \$50 and the period of imprisonment from up to 30 days to not less than 3 nor more than 30 days. Also provides that such individual shall be disqualified for benefits thereafter until he has repaid the benefits received and 12 months have elapsed since such fraudulent misrepresentation.

Changes the minimum fine for preventing or reducing the payment of benefits and for willfully violating any provision of the law from \$25 to \$50 and the period of imprisonment from up to 60 days to not less than 3 nor more than 30 days.

Makes technical changes to the experience rating provisions.

## WAGES—PREVAILING WAGES

**Ch. 43** (*Approved and effective 2/23/61*). Provides that contracts for work on heavy highway or municipal construction, defined as construction, modification, or repair of any fixed structure, and any operation incident to construction, but excepting building construction, shall include provisions for preference in employment of bona fide Montana residents, and for payment of the rate of wages prevailing for the same type of work in the county where the work is to be performed. (Such requirements are already in effect as to contracts let for State, county, municipal, and school construction, repair, and maintenance work.)

Specifies that with respect to contracts for heavy highway or municipal construction, the prevailing rate of wages shall be that set by collective bargaining agreements in the area.

Increases the penalty for violation, and newly provides that any firm or corporation found guilty of violation of the act shall have its public contractor license suspended by the State Board of Equalization for 1 year.

(Amends secs. 41-701 and 41-703, Rev. Codes 1947.)

## WORKMEN'S COMPENSATION

**Ch. 3** (*Approved 1/27/61; effective 7/1/61*). Amends provisions of the Public Welfare Act dealing with aid payments to silicosis patients. Provides that silicosis patients shall receive enough public aid to bring their income, including any income from workmen's compensation benefits, to \$75 a month, instead of \$65 as formerly.

(Amends secs. 71-1003 and 71-1008, Rev. Codes 1947.)

**Ch. 162** (*Approved 3/5/61; effective 7/1/61*). Raises maximum weekly benefits for death and all types of disability from \$28-\$42.50 to \$29-\$50, according to number of dependents.

Redefines injury to mean "a tangible happening of a traumatic nature from an unexpected cause, resulting in either external or internal physical harm, and such physical condition as a result therefrom and excluding disease not traceable to injury," rather than "an injury resulting from some fortuitous event, as distinguished from the contraction of disease."

(Amends secs. 92-418, 92-701, 92-702, 92-703, 92-704, and 92-709, Rev. Codes 1947.)

**Ch. 197** (*Approved 3/7/61; effective 7/1/61*). Provides that workmen's compensation benefits shall be paid in biweekly installments, instead of every 4 weeks as before.

(Amends secs. 92-714 and 92-715, Rev. Codes 1947.)

**Ch. 225** (*Approved 3/10/61; effective 7/1/61*). Transfers the administration of provisions of the Public Welfare Act specifying certain payments to silicosis patients from the Department of Public Welfare and the various county departments of public welfare to the Industrial Accident Board.

(Amends secs. 71-1001 through 71-1008, Rev. Codes 1947, and adds sec. 71-1009.)

**Ch. 227** (*Approved and effective 3/10/61*). Authorizes the Industrial Accident Board to increase an award by 10 percent when it determines that the payment of benefits has been unreasonably delayed or refused either prior or subsequent to the issuance of an award.

**Ch. 244** (*Approved 2/15/61; effective 7/1/61*). Provides for vocational rehabilitation of permanently disabled workers. Requires the Industrial Accident Board to refer injured workers to the Vocational Rehabilitation Division of the State Board of Education if the



worker's employer is insured with the State fund, and directs the division to provide services authorized under the vocational rehabilitation law. Provides that the Rehabilitation Division shall report to the Industrial Accident Board when it has provided all feasible rehabilitation, or determined that rehabilitation is not feasible, at which time the board shall review the compensation award.

Provides that during rehabilitation an injured workman shall receive, in addition to other workmen's compensation benefits, travel expenses, a maximum of \$30 a week for living expenses while training away from home, and expenses for tuition, books, and necessary equipment in training. For the biennium commencing July 1, 1961, allocates \$100,000 from the catastrophe reserve fund of the Industrial Insurance Fund to the Vocational Rehabilitation Division for the purposes of this act, and specifies that no part of the funds shall be used for administrative expenses.

Authorizes voluntary participation when the employer is self-insured or insured with a private company, if such employer or insurance carrier shall arrange for the payment of rehabilitation expenses in the same manner and amounts as provided for an injured workman when the employer is insured with the State fund.

## NEBRASKA

[Regular Session 1/3/61-7/8/61]

### CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 237** (*Approved and effective 5/12/61*). Exempts employment solely as a caddy on any golf course or place where golf is played from the minimum age and certificate provisions.

(Adds sec. 48-302.01 to R.R.S. 1943.)

### INDUSTRIAL RELATIONS

**Ch. 236** (*Approved 6/14/61; effective 10/9/61*). Amends the State "right-to-work" law to prohibit denial of employment to any person because of refusal to pay a fee either directly or indirectly to a labor organization, thereby prohibiting the "agency shop."

(Amends sec. 48-217, R.R.S. 1943.)

### UNEMPLOYMENT INSURANCE

**Ch. 238** (*Approved 6/13/61; effective 10/9/61*). Extends coverage to conform with the 1960 amendments to the Federal Unemployment Tax Act.

**Ch. 241** (*Approved 3/22/61; effective 10/9/61*). Amends the able-to-work and available-for-work provision by providing that the receipt of a nonservice-connected total disability pension by a veteran at 65 shall not in itself bar him from benefits as not able to work. Specifically provides that no Federal payment to veterans for disability or retirement shall be disqualifying income.

Excludes from disqualification attendance at a school if such attendance is for vocational training or retraining purposes under a plan approved by the Commissioner of Labor.

## WORKMEN'S COMPENSATION

**Ch. 233** (*Approved 3/13/61; effective 10/9/61*). Extends coverage to volunteer firemen of rural and suburban fire protection districts and to members of the State civil defense agency, any local organizations for civil defense, or civil defense mobile support units. Provides that the wages of each newly covered person shall be taken to be the same as his earnings in his regular employment, or, in the case of anyone who is not regularly employed, one and one-half times the maximum compensation rate for total disability. (Volunteer firemen of cities and villages are already covered by these provisions.)

(Amends secs. 48-115 and 48-126.01, R.R.S. 1943.)

**Ch. 234** (*Approved 3/14/61; effective 10/9/61*). Provides that if an employee "or his dependent" (formerly only an employee) shall be physically or mentally incapacitated, the time limit for making claim shall be 6 months after the removal of such incapacity. Similarly provides that in the event of legal disability of an employee "or his dependent," the time limit for claim shall be 1 year from the removal of such disability, and also that a guardian or next friend may exercise the rights of an injured employee or a dependent who is mentally incompetent, or is a minor.

(Amends secs. 48-132, 48-133, and 48-137, R.R.S. 1943.)

## NEVADA

[Regular Session 1/16/61-4/1/61]

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 163** (*Approved and effective 3/24/61*). See **Hours of Work**.

## DISCRIMINATION IN EMPLOYMENT

**Ch. 364** (*Approved 4/7/61; effective 7/1/61*). Declares it to be the public policy of the State to foster the right of all persons reason-

ably to seek, obtain, and hold employment and housing accommodations, and reasonably to seek and be granted service in places of public accommodation, without discrimination, distinction, or restriction because of race, religious creed, color, national origin, or ancestry.

Provides for a Commission on Equal Rights of Citizens of five members appointed by the Governor and representing the religious, racial, and ethnic groups of the State, to serve without compensation and to meet at least twice a year. Directs the commission to study discrimination problems, carry out education programs, cooperate with public and private organizations, and investigate complaints. Authorizes it to conduct private or public hearings, report findings of fact and recommendations to the Governor, and use its best efforts to bring about compliance with its recommendations. Requires an annual report to the Governor and the legislative counsel.

(Adds secs. 233.010 through 233.080 to Title 18, NRS.)

## HOURS OF WORK

**Ch. 163** (*Approved and effective 3/24/61*). Requires a half-hour meal period and two 10-minute rest periods in a period of 8 hours for females in the communications industry unless the employee is the only employee at the place of employment and her absence would leave the communications equipment unattended. (Formerly, the communications industry was exempt from the meal and rest period requirements.)

(Amends NRS 609.120.)

## UNEMPLOYMENT INSURANCE

**Ch. 346** (*Approved 4/7/61; effective 7/1/61*). Effective in 1963, changes fund requirements for reduced contribution rates.

**Ch. 350** (*Approved and effective 4/7/61*). Excludes from "employment" services performed as an outside salesman if the salesman is paid solely on a commission basis, such services are performed outside all the places of business of the employer, and if he has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact.

## WORKMEN'S COMPENSATION

**Ch. 50** (*Approved 3/6/61; effective 7/1/61*). Adds members of the State Board of Education and of the Board of Regents of the University of Nevada to those persons serving without compensation under appointment by the Governor, legislature, or other statutory authority who are considered employees earning \$250 a month and



covered under the workmen's compensation act while engaged in their designated duties.

(Amends NRS 616.079.)

**Ch. 62** (*Approved 3/8/61; effective 7/1/61*). Specifies that trustees of school districts, while engaged in their designated duties, shall be considered employees earning \$250 a month and shall be covered under the workmen's compensation act.

(Adds a new section to NRS 616.)

**Ch. 176** (*Approved 3/27/61; effective 7/1/61*). Changes permanent total disability benefits by providing for a flat \$162.50 monthly for the injured worker (equivalent weekly amount, \$37.50), an additional \$37.50 monthly for each dependent (equivalent weekly amount, \$8.65), and a monthly maximum of \$225 (equivalent weekly amount, \$51.92).

Formerly the claimant received 65 percent of his average monthly wage, and an additional 15 percent for each dependent, subject to a limit of 90 percent of his average monthly wage and a \$250 limit on the amount of monthly wages considered in computing benefits. (The maximum amounts under this formula—from \$37.50 to \$51.92 according to number of dependents—are the same as the flat amounts newly provided.)

(Amends NRS 616.580 and 616.625.)

**Ch. 258** (*Approved and effective 4/5/61*). Specifies that members of nonprofit service organizations and clubs, while rendering volunteer ambulance service, shall be considered employees of such organizations and clubs at a wage of \$300 a month and shall be covered under the workmen's compensation act upon the organization or club complying therewith.

(Adds a new section to NRS 616.)

**Ch. 270** (*Approved and effective 4/5/61*). Raises the total maximum compensation for silicosis from \$11,250 to \$14,250. Specifically entitles any claimant who received the maximum prior to the effective date of the act to receive the difference between that sum and the new maximum.

(Amends NRS 617.460.)

**Ch. 308** (*Approved 4/7/61; effective 7/1/61*). Adds to the schedule of occupational diseases disability resulting from exposure to radioactive substances, X-rays, or ionizing radiation. (Nevada has full coverage of occupational diseases.) Provides that such diseases (as well as radium poisoning already in the schedule) are compensable if contracted within 4 years of the date of disability. Excludes from coverage of the act radiation diseases contracted while the

worker was an employee of the U.S. Atomic Energy Commission or any of its contractors or subcontractors.

(Amends NRS 617.440 and 617.450.)

**Ch. 311** (*Approved 4/7/61; effective 7/1/61*). Repeals the special silicosis provisions under the occupational diseases act which **provided** limited benefits for persons permanently and totally disabled who could not qualify under the time limits otherwise set for silicosis benefits. Establishes a special silicosis program to be administered by the Department of Health. Provides for benefits equivalent to those provided under the occupational diseases act for silicosis patients eligible thereunder, for any person suffering from silicosis who applied prior to January 1, 1961 under the special provisions hereby repealed, whether he qualified or was denied benefits, if he is not infected with active tuberculosis, if he files with the medical board a verified application stating that he is unable to pay for his care and maintenance, and if he submits to a physical examination by an approved physician.

(Repeals NRS 617.480, and adds new sections to NRS 443.)

## NEW HAMPSHIRE

[Regular Session 1/4/61-6/30/61]

### OCCUPATIONAL HEALTH AND SAFETY

**Ch. 60** (*Approved 4/10/61; effective 7/1/61*). Authorizes the State Board of Health to issue rules for the regulation of radiation hazards, which may include a requirement for registration of radiation sources. Requires all radiation sources to be so handled as to prevent unnecessary radiation to users and persons within effective range. Gives the State Department of Health authority, among other things, to develop policies and programs for the evaluation and control of radiation hazards, to cooperate with other Federal and State agencies and groups, to conduct training relating to the control of radiation hazards, and to inspect radiation sources. Specifies that this law shall not repeal any existing laws relating to radiation sources unless in conflict therewith, and that local municipalities or boards of health may adopt ordinances or regulations not inconsistent with this law or regulations issued under it.

(Adds secs. 125 : 42 through 125 : 55 to RSA.)

### PRIVATE EMPLOYMENT AGENCIES

**Ch. 173** (*Approved 6/14/61; effective 8/13/61*). Requires the clerk of any city or town in which a license is granted to a private employment agency to send annually to the Department of Employ-

ment Security a record of the licenses issued during the preceding 18 months.

(Adds sec. 274:7 to RSA.)

## UNEMPLOYMENT INSURANCE

**Ch. 88** (*Approved 4/20/61; effective 6/19/61*). Makes technical amendments to the experience rating provisions.

Amends the definition of "employer" to include any employing unit which fails to keep required records of employment.

Extends to the law of any other State or the Federal Government the penalty for willfully making a false statement or failure to disclose a fact to obtain or increase benefits.

**Ch. 228** (*Approved 6/30/61; effective 9/4/61*). Increases the maximum weekly benefit amount from \$38 (for \$3,000 in base-period wages) to \$40 (for \$3,000 in base-period wages) and the minimum from \$10 (for \$500 in base-period wages) to \$12 (for \$600 in base-period wages). Requires wages of at least \$100 in each of two quarters.

## WORKMEN'S COMPENSATION

**Ch. 194** (*Approved 6/26/61; effective 7/1/61*). Increases the maximum weekly benefits for death and all types of disability from \$40 to \$42. Raises the total maximum payable for death and permanent total disability from \$13,640 to \$14,322, and further provides that in no case shall compensation under the act exceed \$14,322 rather than \$13,640. Retains the 341-week maximum period for all benefits. Specifies that the benefit period in cases of silicosis and other pulmonary dust diseases shall begin to run from the first date of disability and not from the date of injury. (For occupational diseases, the date of injury is taken to be the first date of treatment by a licensed physician.)

Authorizes the Commissioner of Labor, in unusual cases, to grant an extension of medical benefits up to 1 year beyond the 341-week maximum period for all benefits (which includes medical benefits), and to renew such extensions as needed. Authorizes the commissioner, under his authority to grant 90-day extensions within the 341-week limit, to grant such extensions retroactively if employee has been receiving medical services without having made a timely request because of accident, misfortune, or mistake.

Specifies supervisory unions among the other municipal units which may elect coverage under the workmen's compensation act for its employees.



Suspends employer payments to the subsequent injury fund until July 1, 1963.

(Amends RSA 281:7, 281:21, 281:22, 281:23, 281:24, 281:30, and other sections of the workmen's compensation law, and adds sec. 281:30-a.)

## NEW JERSEY

[Regular Session 1/10/61-1/9/62]

### MIGRATORY WORKERS

**Ch. 33** (*Approved and effective 5/31/61*). Requires the annual registration of crew leaders of day-haul laborers with the Department of Labor and Industry. Defines "crew leader" to mean any person who, for a fee, recruits, supplies, or hires farm or food processing laborers on a day-haul basis; excludes any owner or lessee of a farm or food processing plant who recruits or hires laborers for work on his farm or in his plant, and any employment agency licensed in New Jersey.

Directs the Commissioner of Labor and Industry to establish requirements which must be met by the applicant for such a certificate of registration, including requirements that the applicant must be of good character and have a reasonable knowledge of labor laws applicable to crew leaders and to day-haul farm and food processing laborers. Authorizes the commissioner to issue all rules and regulations necessary to carry out the law.

Provides that the commissioner may refuse to renew and may revoke or suspend any certificate of registration, after a hearing, for various reasons, including misrepresentation by the applicant to any day-haul laborer of facts relating to working conditions, hours, or wages, or making unreasonable charges for transportation or for food and drink.

Sets penalties for violation.

### OCCUPATIONAL HEALTH AND SAFETY

**Ch. 124** (*Approved and effective 12/4/61*). Amends the Radiation Protection Act of 1958 which authorized a Commission on Radiation Protection established within the Department of Health to adopt rules to prevent unnecessary radiation, and provided that the department enforce the rules and require registration of radiation sources. As amended, further authorizes the department to require licenses for the construction, operation, or maintenance of sources of radiation, and directs it to require that radiation records be kept as may be prescribed by regulations of the commission.

Authorizes the Governor to enter into an agreement with the Federal Government to transfer to the State certain responsibilities for regulation of sources of radiation.

Authorizes the department, with approval of the Governor, to enter into agreements with the Federal Government, other States, and interstate agencies to perform inspections and other radiation protection functions on a cooperative basis, and to make State personnel available for participation in training programs of the Federal Government.

(Amends N.J.S.A. 26:2D.)

## TEMPORARY DISABILITY INSURANCE

**Ch. 43** (*Approved 6/3/61; effective 7/1/61*). Changes the benefit formula for computing benefits under the temporary disability law to coincide with the computation of unemployment insurance benefits. Provides that daily payments be made at the rate of one-seventh of the corresponding weekly benefit amount.

Permits the payment of benefits during pregnancy for the 4 weeks before the expected birth of the child and 4 weeks after the birth.

## UNEMPLOYMENT INSURANCE

**Ch. 43** (*Approved 6/3/61; effective 7/1/61*). Increases the maximum weekly benefit amount from \$35 to \$50.

Changes the partial earnings allowance to the greater of one-fifth of the weekly benefit amount or \$5. Formerly, full weekly benefits were paid if earnings were less than one-half the weekly benefit amount, and one-half the weekly benefit amount was paid if earnings were more than one-half of such amount but less than the full amount.

Adds a proviso to the voluntary leaving disqualification which exempts a woman who leaves work solely because of pregnancy.

Provides that a pregnant woman be held unavailable for work during the 4 weeks before the expected birth of the child and 4 weeks after the birth.

Increases the fine for filing fraudulent contribution reports from \$250 to \$1,000. Adds a provision which makes this fine applicable to any employing unit which aids or abets an individual in obtaining more benefits than those to which he is entitled.

Amends the definition of "employer" to include any privately owned instrumentality of the United States which employs four or more workers in each of 20 different weeks.

Changes the standard contribution rate from 2.7 to 2.8 percent and the maximum possible rate from 3.6 to 4.2 percent.

## WORKMEN'S COMPENSATION

**Ch. 2** (*Approved and effective 2/9/61*). Provides that no person shall be liable at common law or otherwise to a fellow employee for injury or death compensable under workmen's compensation law and occurring after the effective date of this amendment, except for intentional wrong.

(Amends N.J.S.A. 34:15-8.)

## NEW MEXICO

[Regular Session 1/10/61-3/11/61]

## UNEMPLOYMENT INSURANCE

**Ch. 139** (*Approved 3/31/61; effective 6/9/61*). Makes technical amendments to the experience rating provisions.

**Ch. 162** (*Approved 3/31/61; effective 6/9/61*). Changes the maximum fine for fraudulent misrepresentation to obtain or increase benefits, to prevent or reduce benefits, or for willfully violating any provision of the law, from \$200 to \$100 and the maximum period of imprisonment from 60 to 30 days.

Provides that in cases where, after notice and an opportunity to be heard, any person is found to have fraudulently obtained or increased the amount of benefits for himself, shall forfeit all benefit rights for not more than 1 year, instead of 1 year.

## WAGES—WAGE GARNISHMENT

**Ch. 8** (*Approved 2/20/61; effective 6/9/61*). Provides that 25 percent of wages earned by the head of a resident family within the last 30 days may be garnished, unless earnings are less than \$100, in which case only 20 percent may be garnished. Previously the law permitted garnishment of 20 percent of the first \$100 earned the preceding month and all of the wages exceeding that amount, but authorized garnishment of entire salary when the debt was incurred for necessities of life if the debtor was not the head of a family, or if the family did not reside in the State.

(Amends sec. 26-2-27, N.M. Stat. Ann. 1953.)

## WORKMEN'S COMPENSATION

**Ch. 134** (*Approved 3/29/61; effective 7/1/61*). Establishes a subsequent injury fund. Provides that if an employee who has a pre-existing permanent physical impairment which is or is likely to be an



obstacle to employment incurs a subsequent disability by accident which results in death or in permanent disability materially greater than that which would have resulted from the subsequent injury alone, he or his beneficiaries shall be entitled to benefits, including medical and funeral expenses, for the combined condition.

Provides that for injuries occurring between July 1, 1961 and June 30, 1962, the employer shall pay for the first 104 weeks of benefits for such condition, the fund shall be liable for the next 104 weeks, and the court shall apportion any additional liability. For injuries occurring during the next year, provides for 52 weeks' payment from the employer and then 52 weeks' payment from the fund, and thereafter apportionment of liability by the court; and for injuries after July 1, 1963, makes the employer liable for the first 8 weeks, after which liability will be apportioned by the court.

Requires a certificate of preexisting disability to be executed prior to a subsequent injury for which benefits are claimed under these provisions.

Provides for financing the fund by quarterly assessment on employers or insurers of up to 1 percent of benefits paid during the quarter, exclusive of medical benefits and attorneys' fees; and by payments from the employer or insurer of \$1,000 in each death case where there is no person entitled to benefits.

**Ch. 241** (*Approved 3/31/61; effective 6/9/61*). Provides that members of the New Mexico mounted patrol while they are assisting the State police or other law enforcement agencies shall be deemed to be deputies of the agency being assisted and shall be covered by workmen's compensation if the employer's insurance policy is endorsed to show such coverage.

(Amends sec. 9-11-6, N.M. Stat. Ann. 1953.)

## NEW YORK

[Regular Session 1/4/61-3/25/61]

### APPRENTICESHIP

**Ch. 482** (*Approved 4/11/61; effective 10/1/61*). Gives the Industrial Commissioner sole responsibility for administering the apprentice training program by transferring to him the authority formerly exercised by the Apprenticeship Council, including the authority to adopt rules and regulations, establish suggested standards, and terminate or cancel apprenticeship agreements. Also transfers directly to the commissioner the duties formerly assigned to the person

appointed by the commissioner to be in charge of apprentice training in the labor department, such as registering agreements, supervising their execution, and issuing certificates of completion of apprenticeship.

Retains the Apprenticeship Council, whose members are appointed by the Governor as before, increases its membership, and provides for per diem compensation for its members, formerly unpaid. Gives the council advisory functions by, for example, directing it to advise the commissioner, and authorizing it to recommend, rather than establish, suggested standards. Retains, also, the provision that the commissioner shall appoint a person to be in charge of apprentice training in the labor department, but drops the requirement that this appointment be confirmed by the council.

(Amends secs. 810, 811, and 813-815; renumbers secs. 810, and 813-817, Labor Law.)

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 320** (*Approved and effective 4/3/61*). Modifies the provision in the Labor Law that requires an employer to keep a minor's employment certificate on file at the place of employment to permit an employer who is engaged in the business of assigning employees for work in another establishment, and who himself compensates the employee, to keep the certificate in his own office. Requires the assigning employer to send a copy of the certificate to the establishment where the minor will work; requires the establishment to keep the copy on file, which will be deemed compliance with the certificate requirement of the law. Provides for the procedure to be followed by the assigning employer for keeping records of each assignment and for the eventual return of the certificate to the certifying officer.

Makes a conforming change in the education law, and authorizes the Education Commissioner to issue regulations to insure that employment under the modified procedure will not be undesirable for the minor's education or welfare.

(Amends sec. 132, Labor Law, and sec. 3220 Education Law.)

## DISCRIMINATION IN EMPLOYMENT

**Ch. 609** (*Approved 4/17/61; effective 7/1/61*). See **Older Workers**.

## EMERGENCY RELAXATIONS

**Ch. 21** (*Approved and effective 2/21/61*). Extends until July 1, 1962, the Defense Emergency Act, which, among other provisions,

authorizes the Industrial Commissioner to grant to employers engaged in defense work dispensation from certain legal requirements as to hours and other conditions of work. The act includes a provision that no dispensation may be granted for employment of minors under 16.

(Amends sec. 121, Defense Emergency Act.)

## HOURS OF WORK

**Ch. 806** (*Approved 4/22/61; effective 7/1/61*). Amends the hours law for drivers of motor trucks or buses. Requires 8 consecutive hours off duty after the driver has been on duty for 14 hours (including time for meals) in any 24-consecutive-hour period, or after 10 hours' driving time within 14 consecutive hours. Formerly, such off-duty time was required if the driver had been on duty for 10 hours continuously, or for 10 hours or less at separate intervals within 14 consecutive hours, including time for meals. Retains the requirement for 24 consecutive hours of rest in a calendar week, and newly sets a maximum of 60 hours' driving time in a calendar week.

Retains provision that record of working hours and places where he has gone be kept on vehicle, but provides that if a driver drives wholly within a 50-mile radius from the garage or terminal, such record need not be kept on vehicle, but must be kept at the driver's place of employment.

Retains the exemption for trucks or buses operated exclusively in a city or incorporated village, but drops the exemption for those operated in and between cities or incorporated villages lying adjacent to the place where the driver has gone on duty.

(Amends sec. 167, Labor Law.)

## INDUSTRIAL RELATIONS

**Ch. 211** (*Approved 4/3/61; supplemental definitions and coercion provision: effective 4/8/62; prohibition on collection of union funds where person convicted of certain offenses is serving union: effective 6/21/61; separability and other provisions: effective 4/3/61*). Amends the Waterfront Commission Act, which in 1953 established a compact between New York and New Jersey regulating the employment of waterfront labor within the Port of New York District.

Extends the definition of "longshoreman" (who is required to be registered before he may work at the waterfront) and the definition of "hiring agent" (who is required to be licensed) to regulate certain employments which were not previously covered.

Makes it unlawful for any person directly or indirectly to intimidate, injure, or inflict loss or economic reprisal, or attempt or threaten



to do so, on any person licensed or registered by the Waterfront Commission, or any other person, in order to interfere with or influence the performance of his duties.

Makes applicable to additional situations the prohibition against the collection of dues or other funds on behalf of a labor organization representing employees registered or licensed under the act if a union "officer" or "agent" has been convicted of a felony. For example, extends the prohibition to apply to a labor organization if a union "employee" has been so convicted; adds other specified offenses, including a misdemeanor involving moral turpitude, to the convictions covered by this provision; and specifically makes the prohibition applicable to collections for welfare or trust funds. Gives the Waterfront Commission discretionary authority to lift this prohibition for an employee who does routine clerical or manual work on the premises of the labor organization, welfare fund, or trust.

(Amends secs. 9905 and 9933 and adds secs. 9919 and 9934, McK. Unconsol. Laws.)

**Ch. 417** (*Approved and effective 4/11/61*). Amends the Labor and Management Improper Practices Act to exempt from coverage any professional association of teachers which either has been incorporated by the State Board of Regents (under its authority to incorporate educational institutions or associations) or has registered with the Board. Also amends the Education Law to provide that a professional association of teachers which is not incorporated by the Board of Regents, and whose primary purpose is educational, may register with the Board, thereupon becoming subject to its supervision. Requires such incorporated or registered associations to file annual financial reports with the Board of Regents.

(Amends sec. 721, Labor Law, and adds sec. 237, Education Law.)

**Ch. 518** (*Approved 4/12/61; effective 9/1/61*). Specifies that service of a summons, subpoena, or other legal process on the president, vice president, treasurer, assistant treasurer, secretary, assistant secretary, or business agent of a labor union shall constitute service upon the labor organization.

(Amends sec. 13, General Associations Law.)

**Ch. 746** (*Approved 4/22/61; effective 4/1/61*). Specifies that the Chairman of the State Board of Mediation shall not practice in his profession but shall serve on a full-time basis, and provides him with an annual salary. Formerly, the Chairman received a fixed allowance for each day of service, as other Board members are still compensated.

(Amends sec. 755, Labor Law.)

**Ch. 837** (*Approved 4/22/61; effective 9/1/61*). Modifies the limi-

tation on the power of the courts to issue injunctions in labor disputes. Empowers the courts, in labor disputes directly involving the production, shipment, first storage, or first processing of perishable farm products, to issue a restraining order for a nonrenewable period of up to 5 days, upon such notice to the affected parties as appears adequate to the court and without having first required a verified bill of particulars. Requires the court to find that the complaint and other testimony, if sustained, would justify the issuance of a temporary injunction as in other labor dispute cases, which require the prior filing of a bill of particulars and a formal hearing with advance notice.

(Amends sec. 876-a, Civil Practice Act.)

## MIGRATORY WORKERS

**Ch. 56** (*Approved 2/28/61; effective 1/1/62*). Extends the registration provisions to each grower or food processor who employs, recruits, transports, and brings into the State 5 or more, rather than 10 or more, out-of-State migrant farm or food processing workers who are residents of the United States. (These provisions require such growers or processors to register with the Industrial Commissioner; submit to him information on wages, housing, and other working conditions; give a copy to each worker; and post a copy in the worker's camp.) (See also Ch. 301 following.)

(Amends sec. 212-a, Labor Law.)

**Ch. 300** (*Approved and effective 4/3/61*). Amends the law which requires farm labor contractors or crew leaders to keep payroll records to require that they show the number of hours if the worker is paid on an hourly basis, and the number of units produced if he is paid on a piecework basis, instead of the number of hours worked for each worker. Requires also that all withholdings from wages be shown, rather than all legal withholdings.

(Amends sec. 212-b, Labor Law.)

**Ch. 301** (*Approved and effective 4/3/61*). Modifies the requirement that a grower or food processor bringing in out-of-State migrant farmworkers shall keep payroll records and give written wage statements to each worker. Makes the requirement inapplicable to the grower or processor in cases where it is already applicable, under another section of the law, to the grower's or processor's farm labor contractor or crew leader.

(Amends sec. 212-a, Labor Law.)

**A. Res. 90** (*Adopted 3/25/61*). Continues until March 31, 1962, the Joint Legislative Committee on Migrant Labor, created in 1952. Appropriates \$15,000 for expenses of the Committee.

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 282** (*Approved and effective 4/3/61*). Specifically authorizes the Board of Standards and Appeals of the State labor department to issue safety rules for the assembly, disassembly, and use of amusement devices or temporary structures at all carnivals and fairs located outside New York City. Specifically authorizes the New York City Department of Buildings to issue and enforce such rules for carnivals and fairs in New York City.

(Amends sec. 2, and adds sec. 202-b, Labor Law.)

**Ch. 806** (*Approved 4/22/61; effective 7/1/61*). See **Hours of Work**.

## OLDER WORKERS

**Ch. 609** (*Approved 4/17/61; effective 7/1/61*). Amends the fair employment practice act by prohibiting employers, licensing agencies, or employment agencies from engaging in certain discriminatory employment practices because an individual is between the ages of 40 and 65; previously, the age limits specified were 45 and 65. (An interpretive ruling issued under the former provision states that discrimination because of age "shall mean discrimination based on *over age*," and is not limited to the ages specified in the act.)

(Amends sec. 296, Executive Law.)

## PRIVATE EMPLOYMENT AGENCIES

**Ch. 179** (*Approved 3/21/61; effective 6/1/61*). Specifies that employment agencies may not charge registration fees.

Makes it unlawful for an employment agency to refer an applicant to an employment or occupation prohibited by law. This is in addition to the existing prohibitions on referrals to employment in violation of child labor, compulsory education, and minimum wage laws. Prohibits agencies from procuring or attempting to procure the discharge of any person from his employment. Also prohibits them from requiring an applicant to subscribe to any publication or incidental service or contribute to the cost of advertising, and from using any name or advertising device which could be confused with that used by a government agency.

(Amends secs. 185 and 187, Gen. Bus. Law.)

**Ch. 320** (*Approved and effective 4/3/61*). See **Child Labor and School Attendance**.

## TEMPORARY DISABILITY INSURANCE

**Ch. 119** (*Approved 3/13/61; effective 1/1/62*). Changes coverage from two or more workers on each of at least 30 days to one or more on each of at least 30 days.



**Ch. 431** (*Approved and effective 4/11/61*). Exempts from coverage persons participating in or receiving rehabilitative services in a sheltered workshop operated by a religious, charitable, or educational institution under a certificate issued by the U.S. Department of Labor.

**Ch. 589** (*Approved and effective 4/17/61*). Permits a podiatrist to certify as to the disability of a claimant.

## UNEMPLOYMENT INSURANCE

**Ch. 212** (*Approved 4/3/61; effective 1/1/62*). Provides that Federal instrumentalities which are partially owned by the United States are exempt from coverage.

## WAGES AND HOURS—ALL WORKERS

**Ch. 440** (*Approved and effective 4/11/61*). Exempts from coverage of the minimum wage law: any individual employed by a summer camp or conference of a nonprofit religious, educational, or charitable institution for not more than 3 months annually; staff counselors in children's camps; any student working for a nonprofit fraternity, sorority, or student or faculty association which is recognized by a college or university; and any student working for a nonprofit religious, educational, or charitable institution, regardless of whether he attends the institution where he works. Authorizes wage boards to recommend rates below the statutory minimum for a period up to 17 consecutive weeks for students employed in resort hotels or camps, rather than for students employed in resort hotels or camps open not more than 6 months a year.

Clarifies the authority of the commissioner to take action to collect wage claims on underpayments, regardless of whether the employee has assigned his claim to the commissioner.

(Amends secs. 651, 652, 655, and 663, Labor Law.)

## WORKMEN'S COMPENSATION

**Ch. 233** (*Approved 4/31/61; effective 1/1/62*). Extends compulsory coverage to work carried on for gain by employers of one or more, rather than two or more, employees, and to nonprofit, nonpublic employers regularly employing one or more, rather than two or more, employees. (Formerly, the only single-employee firms that were covered were those specifically listed as being in hazardous work.) Retains exclusion of farm laborers. Specifically extends coverage to work in a hotel or as a newspaper carrier boy for employers of one or more, rather than two or more, employees.

(Amends secs. 2 and 3, Workmen's Compensation Law.)

**Ch. 419** (*Approved 4/11/61; effective 1/1/63*). Authorizes the Workmen's Compensation Board to impose a \$25 assessment against an employer who fails for 10 days to provide for securing compensation, in addition to all other penalties under the act. Provides that such assessments shall be paid into the uninsured employers' fund.

(Amends secs, 23, 26, 26-a, and 52, Workmen's Compensation Law.)

**Ch. 965** (*Approved 4/24/61; effective 7/1/61*). Amends the Volunteer Firemen's Benefit Law. Modifies the exclusion of fund raising activities from the list of activities for which benefits are payable, by specifically extending coverage until July 1, 1963, to authorized fund raising activities, as defined, including directly connected travel. Makes a conforming change in the workmen's compensation law.

Amends the general municipal law and the membership corporations law to authorize fire companies to engage in such activities.

(Amends secs. 3 and 5, Volunteer Firemen's Benefit Law, sec. 61, Workmen's Compensation Law, and sec. 12, Membership Corporations Law, and adds sec. 204-a, General Municipal Law.)

## MISCELLANEOUS

**Ch. 443** (*Approved 4/11/61; effective 1/1/62 if authorizing amendment to State constitution is adopted and ratified in 1961*<sup>9</sup>). The "New York Job Development Authority Act." Creates the New York Job Development Authority, a public benefit corporation, composed of the Commissioner of Commerce (as chairman), the Industrial Commissioner, the Superintendent of Banks, serving ex-officio, and four members appointed by the Governor with the advice and consent of the Senate. Provides that the purposes of the authority are to advance the economic welfare of the people, and to create and improve job opportunities in areas of existing or potential critical unemployment by giving financial assistance for the construction of new industrial or manufacturing plants, and the acquisition or improvement of former plants, by means of loans to nonprofit local development corporations of up to 30 percent of the cost of such projects. Grants the authority the power, among others, to issue negotiable bonds aggregating up to \$100 million for use in making such loans, and provides that \$50 million of this sum is guaranteed by the State to the extent authorized by the Constitution.<sup>9</sup>

(Adds secs. 1800 to 1834, Public Authorities Law.)

**Ch. 501** (*Approved 4/11/61; effective 7/1/61*). Provides that a person absent from employment because of jury service, after having given prior notice to his employer, shall not be subject to discharge

<sup>9</sup> The proposed amendment to the Constitution was approved by the people at the general election on November 7, 1961.

or penalty on this account. However, permits the employer to withhold the employee's wages during such absence.

(Adds sec. 686, Judiciary Law.)

## NORTH CAROLINA

[Regular Session 2/8/61-6/22/61]

### HOURS OF WORK

**Ch. 1070** (*Ratified and effective 6/21/61*). Amends the 9-48-hour law to permit the employment of women 18 years of age and over in mercantile establishments for a maximum of 10 hours a day for a period of 1 week's duration between Thanksgiving and Christmas. (Former provisions permitted such employment from December 18 through December 24.)

(Amends G.S. 95-17.)

### MIGRATORY WORKERS

**Ch. 505** (*Ratified and effective 5/26/61*). Requires the Department of Motor Vehicles to make and enforce rules and regulations applicable to "motor carriers of migratory farmworkers" transporting for compensation five or more migratory farmworkers to and from their employment, by any motor vehicle other than a passenger automobile or station wagon. Exempts the transportation by a farmer, in his own vehicle, of his own migratory farmworkers.

Specifies that the rules shall establish minimum standards with respect to the construction and equipment of the vehicles; the operation of the vehicle; and the safety and comfort of the passengers, including seating accommodations, tail gates or doors, rest and meal stops, maximum number of passengers, and exits. Makes it the duty of the law enforcement officers of the State and of each county, city, or town to enforce these rules in their respective jurisdictions. Authorizes adoption of rules and regulations promulgated by the Interstate Commerce Commission, insofar as they are practicable. Provides that public hearings shall be conducted in connection with the adoption of rules and regulations.

Makes violation of the rules a misdemeanor, punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

### OCCUPATIONAL HEALTH AND SAFETY

**Ch. 505** (*Ratified and effective 5/26/61*). See **Migratory Workers**.



**UNEMPLOYMENT INSURANCE**

**Ch. 454** (*Approved 5/18/61; effective 7/1/61*). Increases the maximum weekly benefit amount from \$32 (for \$3,000) to \$35 (for \$3,600) and the minimum weekly benefit amount from \$11 (for \$500) to \$12 (for \$550).

Changes the partial earnings allowance from the weekly benefit amount plus the lesser of \$10 or one-third of such amount to the weekly benefit amount plus one-half of such amount.

Adds a provision requiring earnings in more than one quarter in order to qualify for benefits. Provides for additional earnings of 10 times the weekly benefit amount in covered employment in order to qualify for a subsequent benefit year.

Provides that an individual shall be held ineligible for benefits from the date on which she is separated due to pregnancy until the birth of her child. This is in addition to the provision which holds a woman ineligible 3 months before and 3 months after the birth of the child.

Amends the disqualification for unemployment due to a labor dispute by including unemployment caused by a labor dispute in any establishment operated by the employer either within or without the State. Deletes the provisions which exempt an employee from the applicability of this disqualification.

Excludes from coverage service performed on or in connection with aircraft not an American aircraft if the individual is performing the service when outside the United States. Includes service performed on or in connection with an American aircraft if the service is entered into within the United States or the service is performed when the aircraft touches at a United States port.

Excludes after December 31, 1961, service performed in the employ of an organization exempt from income tax if the wages for such service are less than \$50 a quarter. Excludes service performed after December 31, 1961, in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes.

Amends the definition of a "nonprofit organization" to include an organization organized and operated exclusively for testing for public safety. Deletes the exclusion of (thus extending coverage to) service in connection with the collection of dues for a fraternal beneficiary society, order, or association performed away from the home office, or its ritualistic service in connection with any such society, order, or association.

**WAGES AND HOURS—ALL WORKERS**

**Ch. 602** (*Ratified 6/2/61; effective 1/1/62*). Lowers from six to four the minimum number of employees required to bring an establishment under coverage of the minimum wage law.

(Amends G.S. 95-88.)

**Ch. 652** (*Ratified and effective 6/6/61*). Exempts taxicab drivers and operators from coverage of the minimum wage law.

(Amends G.S. 95-86.)

**WORKMEN'S COMPENSATION**

**Ch. 231** (*Ratified and effective 4/14/61*). Brings deputy sheriffs in Caswell County under coverage of the workmen's compensation law.

(Amends G.S. 97-2(2) and (3).)

**Ch. 235** (*Ratified and effective 4/18/61*). Clarifies the status of county agricultural extension service employees on the staff of the U.S. Department of Agriculture, by specifying that such employees are not employees of the county for purposes of workmen's compensation.

(Amends G.S. 97-2(2).)

**Ch. 618** (*Ratified and effective 6/2/61*). Authorizes the city of Durham to hire auxiliary policemen and firemen. Requires such policemen and firemen to be covered by workmen's compensation during training and while performing duties, to the same extent as regular employees of the city. Provides that benefits for such auxiliary personnel shall be based on the entrance salaries of regular police patrolmen and firemen.

**NORTH DAKOTA**

[Regular Session 1/3/61-3/3/61]

**CHILD LABOR AND SCHOOL ATTENDANCE**

**Ch. 158** (*Approved 3/20/61; effective 7/1/61*). Among other changes in the school law, exempts children who have finished high school from the requirement for compulsory school attendance until age 16. Formerly children who had finished the eighth grade were exempted.

(Amends sec. 15-34-03, Century Code, and other sections of the school law.)

## INDUSTRIAL RELATIONS

**Ch. 235** (*Approved 3/20/61; effective 7/1/61*). Deletes the provision of the anti-injunction act which required a court, before issuing an injunction in a labor dispute, to make a finding of fact that peace officers charged with protecting the complainant's property are unable or unwilling to furnish adequate protection.

(Amends sec. 34-08-07, Century Code.)

**Ch. 236** (*Approved 3/14/61; effective 7/1/61*). Enacts the "North Dakota Labor-Management Relations Act." Designates the Commissioner of Agriculture and Labor or his successor or duly authorized deputy <sup>10</sup> as administrator of the act. Guarantees employees the right to organize and bargain collectively or to refrain from such activities.

Exempts from coverage the State and its political subdivisions, the United States and wholly owned Government corporations, Federal reserve banks, nonprofit hospitals, and labor organizations when not acting as an employer; also agricultural labor, domestic service, persons employed by parent or spouse, independent contractors, supervisors or guards, and employees of employers subject to the Railway Labor Act.

Provides for exclusive representation of all employees in an appropriate unit for purposes of collective bargaining. Preserves the right of individual employees to handle their own grievances without intervention by a labor organization. Authorizes the commissioner to determine the unit appropriate for collective bargaining, subject to certain conditions. Provides for the determination of bargaining representatives by secret ballot elections, under procedures established by the act, and requires at least a majority of the employees to vote, for the election to be valid.

Makes it an unfair labor practice for an employer: (a) to interfere with or coerce an employee in the exercise of his guaranteed right to organize, bargain collectively, or refrain therefrom; (b) to dominate or interfere with a union; (c) to discriminate against an employee in hire or other conditions; (d) to discriminate against an employee for filing charges or giving testimony under this act; and (e) to refuse to bargain collectively.

Makes it an unfair labor practice for a labor union: (a) to restrain or coerce an employee in the exercise of his guaranteed rights; (b) to cause or attempt to cause an employer to restrain or coerce employees in the exercise of their guaranteed rights; (c) to restrain or coerce an employer in the selection of his representative, or to refuse to

<sup>10</sup> The head of the Labor Division, as Deputy Commissioner, is charged with administering labor laws.



bargain with an employer; (d) to attempt to force an employer or self-employed person to join any organization; (e) to engage in a secondary strike or secondary boycott, as defined, or to force an employer to recognize or bargain with a noncertified union; (f) to exact excessive or discriminatory dues or fees as a condition for membership; (g) to engage in "featherbedding," as defined; (h) to make or circulate a blacklist; (i) to coerce an employee or to intimidate him or his family; or (j) to hinder the pursuit of any lawful work by unlawful picketing, as defined.

Authorizes the commissioner to informally investigate unfair labor practice charges and to issue cease and desist orders. Provides for a damage suit by any person injured in his person or property by an unfair labor practice. Authorizes the commissioner to act as a conciliator in any labor dispute. Requires a 60-day contract termination notice and bars a strike or lockout during such period. Provides for the conducting of a strike vote before a strike is called by a certified bargaining representative. Authorizes the commissioner to conduct such a vote and sets up procedures.

Directs the Governor to request from the U.S. Secretary of Labor copies of reports filed under the Labor-Management Reporting Act of 1959 by labor unions subject to North Dakota jurisdiction. Requires unions not filing such reports with the Federal Government to file organizational reports annually with the commissioner.

Gives the commissioner authority to issue rules and regulations under the act. Makes proceedings and court appeals under this act subject to the Administrative Agencies Practice Act.

Repeals that section of the law dealing with the mediation of labor disputes which provided for the conducting of representation elections by labor dispute boards. Leaves intact all other provisions of this law.

(Repeals sec. 34-10-05, Century Code; adds secs. 34-12-01 through 34-12-14.)

**Ch. 332** (*Approved 3/20/61; effective 7/1/61*). Authorizes the Commissioner of Agriculture and Labor, rather than the Governor, to appoint a labor dispute board upon request by the head of the Labor Division of the Department of Agriculture and Labor. Makes other conforming changes.

(Amends secs. 34-10-02, 34-10-03, 34-10-06, and other sections, Century Code.)

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 391** (*Approved 3/4/61; effective 7/1/61*). Raises boiler inspection fees. Sets fees at \$5, \$12, and \$15, rather than \$4, \$10, and

\$12, for internal inspection of power boilers; at \$5 and \$12, rather than \$3 and \$10, for internal inspection of low-pressure heating boilers; and at \$5, rather than \$3, for external inspection of all boilers. Raises the fee for a certificate of inspection from \$2 to \$3. Provides a \$20, rather than \$15, limit on charges for inspections of any one boiler in any one year except for special inspections on request. (Amends secs. 65-12-06 and 65-12-11, Century Code.)

## UNEMPLOYMENT INSURANCE

**Ch. 312** (*Approved and effective 1/18/61*). Effective for calendar year 1960 and thereafter, amends provision relating to reduced rates for employers with less than 36 months of experience by deleting the provision that the rate of such employers with a reserve ratio of at least 5 percent may not be reduced below 3 percent.

**Ch. 313** (*Approved 3/17/61; effective 7/1/61*). Increases the maximum weekly benefit amount from \$32 to \$36.

Provides that lag-period wages shall not be available for benefit purposes in a subsequent benefit year unless there are subsequent wages equal to 10 times the weekly benefit amount.

Effective January 1, 1962, increases the standard contribution rate from 3.7 to 4.2 percent.

## WAGE PAYMENT AND WAGE COLLECTION

**Ch. 233** (*Approved 3/20/61; effective 7/1/61*). Provides that an employee dismissed by his employer for good cause shall be entitled to be paid for the portion of the contract of employment which he completed. Retains this provision for an employee who quits for good cause. (The law formerly provided that an employee dismissed for good cause was not entitled to any compensation for services rendered since the last day upon which a payment became due to him under the contract.)

(Repeals secs. 34-03-07 and 34-03-08, Century Code.)

**Ch. 234** (*Approved 3/9/61; effective 7/1/61*). Repeals that part of the Labor Code entitled "Master and Servant," including a provision that in the absence of any agreement or custom to the contrary as to the rate of wages, the term of service, or the time of payment, a servant is presumed to be hired by the month at a reasonable monthly rate of wages payable when the service is performed.

(Repeals Ch. 34-04, Century Code.)

## WORKMEN'S COMPENSATION

**Ch. 388** (*Approved 3/2/61; effective 7/1/61*). Specifies that under certain conditions an impairment of health suffered by a fireman

and caused by tuberculosis, hypertension, or heart disease shall not be attributable to any disease existing prior to total or partial disability or death resulting from such health impairment.

(Amends sec. 65-01-02, Century Code.)

**Ch. 390** (*Approved 3/20/61; effective 7/1/61*). Raises maximum weekly benefits for temporary and permanent total disability from a range of \$38-\$53 to \$42-\$57, according to number of dependents.

(Amends secs. 65-05-09 and 65-05-11, Century Code.)

## OHIO

[Regular Session 1/2/61-11/21/61]

### APPRENTICESHIP

**H. 727** (*Approved 6/19/61; effective 9/18/61*). See **Workmen's Compensation**.

### DISCRIMINATION IN EMPLOYMENT

**H. 918** (*Approved 7/25/61; effective 10/24/61*). Specifies that cease and desist orders shall be issued or modified subject to the provisions of the Administrative Procedures Act. Authorizes an employer holding a government contract with a nondiscrimination clause to require proof of United States citizenship from an employee or applicant and to use photographic or fingerprint identification for security purposes.

(Amends secs. 4112.01, 4112.02, 4112.05, and 4112.06, Rev. Code.)

**H. 1080** (*Approved 5/27/61; effective 8/28/61*). See **Older Workers**.

### HOURS OF WORK

**H. 95** (*Approved 5/18/61; effective 8/18/61*). Amends the law which sets a maximum 8-hour day, 48-hour week, and 6-day week for women to exempt from coverage an automobile club during periods of emergency caused by storms or floods.

(Amends sec. 4107.46, Rev. Code.)

### OCCUPATIONAL HEALTH AND SAFETY

**H. Res. 101** (*Adopted 7/31/61*). Requests the Legislative Service Commission to study the feasibility of creating a State Industrial Safety and Hygiene Control Board to consolidate industrial safety and health enforcement (now handled by the Department of Health, the Department of Industrial Relations, the Public Utilities Com-



mission, the State Industrial Commission, and the State Fire Marshal's Office). Directs the commission to report its findings and any recommended legislation to the legislature by January 31, 1963.

### **OLDER WORKERS**

**H. 1080** (*Approved 5/27/61; effective 8/28/61*). Adds to the chapter setting forth the powers and duties of the Department of Industrial Relations a provision that no employer shall refuse opportunity of interview for employment because an applicant is between the ages of 40 and 65. Further provides that no employer shall, without just cause, discharge any employee between these ages who is physically able to perform the duties and otherwise meets established requirements of the industry and of laws pertaining to the employer-employee relationship.

(Adds sec. 4101.17 to the Rev. Code.)

### **PRIVATE EMPLOYMENT AGENCIES**

**S. 189** (*Approved 6/21/61; effective 9/21/61*). Provides that the Department of Commerce, rather than the Administrator of the Bureau of Unemployment Compensation, shall administer and enforce the private employment agency law.

Establishes an advisory council of 5 members to be appointed by the Governor from among persons with operating responsibility for a private employment agency and with training and experience in the field. Authorizes the council to conduct research, make and publish reports, and recommend to the department changes in legislation or regulations.

(Amends sec. 4143.01, Rev. Code, and other sections, and adds sec. 4143.30.)

### **UNEMPLOYMENT INSURANCE**

**S. 189** (*Approved 6/21/61; effective 9/21/61*). See **Private Employment Agencies**.

**H. 856** (*Approved 7/12/61; effective 10/11/61*). Creates an Ohio Worker Training Committee to promote training and retraining of workers affected by changing technology of business and industry. Provides that an individual who is attending a vocational training course, approved by this committee, shall be held eligible for benefits if such attendance was recommended by the Administrator of the Bureau of Unemployment Compensation and the individual is regularly attending the course and making satisfactory progress. Under these circumstances, such individual shall be re-

quired to seek and accept suitable work which will not interfere with such training course.

(See also digest of H. 856 under Miscellaneous.)

## WORKMEN'S COMPENSATION

**H. 727** (*Approved 6/19/61; effective 9/18/61*). Authorizes voluntary coverage for apprentices while engaged in related and supplemental instruction, if the joint apprenticeship committee or the sponsoring organization contracts with the Industrial Commission for such coverage.

(Adds secs. 4123.038 and 4123.039 to the Rev. Code.)

**H. 1066** (*Approved 7/24/61; effective 10/23/61*). Specifies in the workmen's compensation law coverage of members of police and fire departments of municipal corporations "and townships whether such members are paid or volunteer, and whether they are serving within the State or on temporary assignment outside it." Previously this section provided coverage of members of police and fire departments "of municipal corporations."

(Amends sec. 4123.01, Rev. Code.)

## MISCELLANEOUS

**H. 856** (*Approved 7/12/61; effective 10/11/61*). Creates the Ohio worker training committee consisting of the Superintendent of Public Instruction, the Administrator of the Bureau of Unemployment Compensation, the Director of Industrial Relations, two members of the House of Representatives, two members of the Senate, two persons representing employers, and two others representing labor.

Directs the training committee to devise and assist in the establishment of programs of training for unemployed workers of limited job skills and retraining for unemployed workers with job skills which have become obsolescent. Provides that the Division of Vocational Education of the Department of Education shall conduct or supervise such programs, which may be fully supported in this work by State funds, and specifies that the training committee shall be attached to the Department of Education for administrative purposes.

Directs the committee to promote and assist the development and expansion of unemployed worker training programs by local governments, business and industrial groups, and labor organizations. Directs it to report biennially to the Governor and the legislature, and to recommend legislation for long-range programs.

(See also digest of H. 856 under Unemployment Insurance.)

(Adds secs. 3304.01 through 3304.05 to the Rev. Code, and amends sec. 4141.29.)

## OKLAHOMA

[Regular Session 1/3/61-7/28/61]

## CHILD LABOR AND SCHOOL ATTENDANCE

**H. 668** (*Approved 3/21/61; effective 7/1/61*). Exempts from compulsory school attendance any child 16 years of age or more who is excused by joint agreement of the school administrator and the county judicial officer, provided the exemption is deemed to be for the best interest of the child and/or the community, and provided that the child is kept under supervision of the judicial officer charged with the handling of the problems of juveniles until he reaches age 18.

(Amends 70 O.S. 1951, sec. 10-10.)

## MIGRATORY WORKERS

**S. Con. Res. 14** (*Adopted 3/6/61*). Directs the executive committee of the Legislative Council to create a special committee, composed of four members from the Senate and five from the House, to study the problems of migratory labor. (A Legislative Council subcommittee was appointed during the 1959-61 interim to study the problems of migratory labor, but the time available did not permit a complete study.) Authorizes this committee to appoint advisory members representing agriculture, health and welfare functions, law enforcement, labor, cities and towns, religions, educational and related organizations, and other agencies and organizations concerned with the problems of migratory labor.

Directs the committee to study the various problems of the migrant laborer and his family, the problems of agriculture in employing migrant labor, and the overall problems of migrant labor in the State, and to report its findings and recommendations to the Executive Committee of the Legislative Council during the 1961-63 legislative interim.

## UNEMPLOYMENT INSURANCE

**S. 393** (*Approved and effective 8/7/61*). Requires every nonresident contractor and subcontractor undertaking a contract in excess of \$10,000 to post a bond of not less than 10 percent of the amount of the contract conditioned upon compliance with the tax laws, the employment security act, and the workmen's compensation law.

## WORKMEN'S COMPENSATION

**S. 194** (*Approved and effective 8/8/61*). Provides that a "physically impaired" employee who receives a subsequent compensable in-



jury resulting in permanent partial or permanent total disability shall be paid compensation from the employer for the subsequent injury and the balance from the special indemnity fund after deducting the percent of that disability that constituted the employee a "physically impaired" person. Formerly, such deduction applied only to permanent partial disability.

Provides for suspension of payments into the fund when the fund exceeds \$200,000 and resumption of such payments when the fund falls below \$150,000. Formerly, payments were suspended if the fund exceeded \$150,000 and resumed if it fell below \$100,000.

(Amends 85 O.S. 1951, secs. 172 and 173.)

**S. 393** (*Approved and effective 8/7/61*). See **Unemployment Insurance**.

**H. 738** (*Approved and effective 4/26/61*). Deletes from the list of hazardous occupations "dairies operated by power" and inserts "milk processing plants operated by power." Specifies that the definition of agriculture, exempt from coverage, shall include dairy farming.

(Amends 85 O.S. 1951, secs. 2 and 3.)

**H. 758** (*Approved and effective 7/14/61*). Authorizes the Wildlife Conservation Commission to provide workmen's compensation insurance for all its employees except clerical help. (The workmen's compensation law already authorized all departments and institutions of the State to carry workmen's compensation insurance on employees engaged in hazardous occupations.)

**H. 855** (*Approved and effective 5/24/61*). Extends workmen's compensation coverage to members of a police department of any incorporated city or town.

(Amends 85 O.S. 1951, sec. 2.)

**H. 889** (*Approved and effective 8/7/61*). Specifically authorizes the War Veterans Commission to provide workmen's compensation insurance for all guards, motor vehicle operators, maintenance personnel, registered nurses, practical nurses, and attendants employed by the Oklahoma State War Veterans Home Facilities. (The workmen's compensation law already authorized all departments and institutions of the State to carry workmen's compensation insurance on employees engaged in hazardous occupations.)

**H. 1085** (*Approved and effective 8/7/61*). Provides a time limit for filing claim for radiation disease of 1 year after the last hazardous exposure or 1 year after diagnosis is possible. (The time limit for claims generally is 1 year after injury or death.)

(Amends 85 O.S. 1951, sec. 43.)

## OREGON

[Regular Session 1/9/61-5/10/61]

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 205** (*Approved 4/7/61; effective 8/9/61*). Prohibits the employment of minors under 16 from 10 p.m. to 7 a.m. if they are employed on a special permit issued by the Wage and Hour Commission. (Otherwise, minors under 16 may not work between 6 p.m. and 7 a.m.) Provides that the commission may, after investigation, issue such permits for work which is not detrimental to the physical or moral well-being of the minor.

Exempts from the nightwork provisions minors under 16 employed in or about private residences at domestic work, chores, and child care. Specifies that this exemption shall not apply to places where child care or training is carried on as an occupation.

(Amends ORS 653.315 and 653.525.)

**Ch. 502** (*Approved and effective 5/23/61*). Establishes a permanent education program for migrant children, including regular and summer sessions, special schools, and special services.

Authorizes the State Board of Education to contract with school districts, counties, and State institutions and to reimburse them from the regular State aid funds for regular session programs and from specially appropriated funds for the summer programs. Provides that migrant children must meet standards established by the State Superintendent of Public Instruction, to be eligible for the program. Provides that such children shall be grouped in classes with resident children whenever possible.

Specifies that summer schools shall supplement the regular school program and provide instruction in the areas where the migrant child needs special help. Permits migrant children who will attend regular sessions for the first time in the ensuing school year to attend summer schools. Requires an average daily attendance of 15 or more migrant children for a school district to qualify for reimbursement, but authorizes a joint summer session conducted by two or more districts. Provides that summer programs shall be continued for a 2-year period, July 1, 1961 to July 1, 1963. Directs the Department of Education to report to the State Board of Education by October 1, 1962, on an evaluation of the summer program and recommendations concerning its continuation; requires the board to make a report concerning continuation of the program to the Governor by November 1, 1962. Appropriates \$50,000 for the summer program for the biennium.

Provides that \$46,000 of the State basic school support fund shall be placed in a migrant children's education account each fiscal year.

for education of migrant children during the regular school year, of which administrative expenses may not exceed \$13,500.

**Ch. 621** (*Approved and effective 5/29/61*). Directs the State Board of Forestry to set up a summer camp program for boys 15–19 years of age, consisting of outdoor recreational activities and projects of a forest conservation nature.

Authorizes counties to enter into agreements with the State Board of Forestry for participation in the program and for sharing in the costs of operation. Provides that the State Board of Forestry may provide one or more camps with housing and recreation facilities, may provide transportation, shall provide emergency medical and dental care, and shall pay the cost of supervision. Provides that counties participating in the program shall bear the cost of general care and maintenance of the boys and also of any compensation paid them at a rate established by the State Board of Forestry and the county court or county board of commissioners. Authorizes the county superintendent of schools, with the advice and approval of the county court or board, to select the boys for participation, under procedures set up by the county superintendent with the advice of the county board or court and the State Forester.

Permits the State Board of Forestry, in the establishment and operation of such camps, to cooperate with and enter into agreements with the United States Forest Service or Land Management Bureau, with counties, and with any other Federal or State agency.

Authorizes the use of regular funds for State forest improvement equal to the value of improvements made under this program, and makes a special appropriation of \$50,000 for the program until June 30, 1963.

## INDUSTRIAL RELATIONS

**Ch. 690** (*Approved 5/31/61; effective 8/9/61*). Enacts a law providing for the selection of exclusive representatives for purposes of collective bargaining. Creates a 3-member State Labor-Management Relations Board, to be appointed by the Governor, to administer the act.

Exempts from coverage agricultural laborers; persons employed by parent or spouse; domestic workers; independent contractors; supervisors; employees of an employer subject to the Railway Labor Act; employees of employers who are not covered by the act, including the State and its political subdivisions; the United States or any wholly owned Government corporation or any Federal Reserve Bank; and any labor organization (other than when acting as an employer).



Specifies that selected collective bargaining representatives are the exclusive representatives of all employees in the unit. Authorizes the board to decide the appropriate bargaining unit, with specified conditions.

Provides for the filing of a petition for a representation election by an employee or employees, a union, or an employer, which petition must be investigated by the Attorney General and a report made to the board. Requires the board to provide for a hearing whenever, based on the findings of the Attorney General, it has reasonable cause to believe that a question of representation exists. Provides for the State Labor Conciliator to conduct a secret ballot election if the board finds that a question of representation exists. Prohibits the holding of a second election in any bargaining unit or subdivision within a 12-month period after a valid election has been held.

Authorizes a secret ballot election to determine whether the employees in a bargaining unit wish to rescind the authority of the labor organization to make an agreement requiring union membership as a condition of employment, upon the filing of a petition with the board by 40 percent of the employees in the unit covered by such an agreement. Prohibits an election for this purpose in any bargaining unit in which a valid election has been held in the preceding 12 months.

Prohibits any union from picketing where an object thereof is forcing the employer to recognize or bargain with a union as the representative of his employees, or forcing the employees of the employer to select the union as their representative, if a valid election has been conducted under this law or under Federal law within the preceding 12 months and such union is not currently certified as the bargaining representative, or if a representation election has been directed and scheduled as provided by this law.

(Repeals ORS 292.685 and enacts new provisions.)

**Ch. 692** (*Approved and effective 5/31/61*). Prohibits any person from picketing or causing to be picketed any farm, ranch, or orchard where perishable agricultural crops are produced while such crops are being harvested, unless such picket has been a regular employee on such farm, ranch, or orchard immediately prior to the commencement of the picketing.

Provides that the law shall expire on May 1, 1963.

**Ch. 720** (*Approved 6/1/61; effective 8/9/61*). Enacts a labor relations act covering licensed professional and practical nurses employed in health care facilities, which include public or private hospitals or nursing homes. Exempts those facilities in which the terms of employment are governed by any system of civil service,

and those employing fewer than four employees. Also exempts members of a religious order assigned to the facility by the order.

Specifies unfair employment practices of employees and employers. Makes it an unfair employment practice for an employee or his representative to encourage, participate in, or cause a strike directly involving a health care facility. Specifies five employer unfair labor practices, namely: Interfering with employees in the exercise of their right of self-organization; initiating, contributing to, or interfering with an employee organization; discriminating in regard to hiring or conditions of employment in order to discourage membership in an employee organization that has collective bargaining as one of its principal functions; refusing to bargain in good faith; and declaring a lockout.

Provides for the determination of an appropriate bargaining unit either by consent between the parties, or by the labor commissioner on application of one of the parties. Specifies that an employee organization is the duly designated representative of all the employees in an appropriate unit if it can show evidence that the bargaining rights have been assigned to it by a majority of the employees in that bargaining unit. Authorizes an employee organization to petition the labor commissioner for a determination whenever its right to represent the employees is questioned by the employing authority. Authorizes an employee organization to apply to the commissioner for a secret ballot election to determine its right to represent the employees if it is authorized by at least 30 percent of the employees in an appropriate unit. Authorizes the commissioner to conduct a secret ballot election when more than one employee organization claims to be the representative. Provides that determinations shall remain in effect for at least 1 year.

In case of a labor dispute where no agreement can be reached after protracted bargaining in good faith, authorizes a facility or the bargaining representative to request the State Conciliation Service to mediate the dispute and, if the parties are not able to settle their dispute within 10 days through mediation and conciliation, to apply to the labor commissioner for a factfinding inquiry.

Gives the labor commissioner authority to issue regulations to carry out the act.

## MIGRATORY WORKERS

**Ch. 390** (*Approved and effective 5/1/61*). Amends the law relating to the licensing and regulation of farm labor contractors and the registration of crew leaders. Deletes the requirement for crew leader registration. Amends the definition of "crew leader." Provides as

before that a crew leader may gather workers in his home State, and may do supervising or other duties for a farmer as long as he receives no extra pay from the crew members for such service, but adds the condition that the employer must pay the crew members directly and individually. The amended definition also permits crew leaders to transport workers from their local place of residence to their place of employment, if not done for a profit.

Amends the definition of farm labor contractors to exclude those persons who, in connection with the recruitment or employment of farm labor, furnish only transportation for workers.

Disqualifies an applicant for a farm labor contractor license if a previous license was revoked or suspended (formerly, only if revoked) within the preceding 3 years.

Deletes the requirement for posting the work agreement which the farm labor contractor must file with the State Employment Service.

(Amends ORS 658.405, 658.410, 658.415, 658.425, 658.440, and 658.991.)

**Ch. 502** (*Approved 4/7/61; effective 8/9/61*). See **Child Labor and School Attendance**.

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 485** (*Approved 5/22/61; effective 7/1/61*). A boiler and unfired pressure vessel law. Repeals the former boiler inspection law.

Provides as before for administration by the Commissioner of the Bureau of Labor. Newly authorizes him to issue boiler safety rules, with the advice of a board of boiler rules to be appointed by him. (Formerly, the law specified use of the American Society of Mechanical Engineers regulations, and these are to remain in effect until different rules are adopted.) Authorizes the board also to review determinations made by the commissioner's staff concerning boilers and unfired pressure vessels. Provides that the commissioner may adopt standards for, but not license, persons doing welding of boilers and vessels.

Makes certain changes in the operations regulated by the law. For example, prohibits the construction, installation, repair, or alteration of a vessel not meeting minimum safety standards (except to bring it into conformity with such standards), and prohibits its sale, loan, rental, disposition by gift, and use. (Formerly, the law referred only to the operation of boilers and unfired pressure vessels.) Revises the list of exemptions. For example, adds an exemption for air tanks used in the operation of trailers for transporting freight or passengers; and makes certain vessels used for agricultural purposes subject



to the provisions relating to construction or installation, rather than completely exempt as before.

Replaces the former requirement that all boilers and unfired pressure vessels be inspected at least once a year by an expanded statement of requirements which includes variations in frequency of inspection for different kinds of vessels. Further authorizes the commissioner to broaden the intervals between inspections, eliminate types of inspection, and exempt additional types of vessels. Specifies that vessels to be installed shall be inspected during construction.

Revises fee schedules. For example, sets a \$20 biennial fee for low-pressure heating boilers (formerly \$4 for each external inspection and \$8 for internal inspection); and sets \$35 annually for boilers exceeding 200 horsepower (formerly \$6 for external inspection and \$14 for internal inspection). Directs the commissioner to recommend to the 1963 legislature a schedule of inspection fees for boilers according to square feet of heating surface and other characteristics.

Strengthens administrative and enforcement procedures. For example, specifies the appointment and qualifications of a chief inspector and deputy inspectors; specifies right of entry; authorizes the commissioner to obtain restraining orders against violations of the act; and establishes appeals procedures.

(Amends ORS 291.374 and 654.990; repeals ORS 654.505 through 654.550, and enacts new sections.)

**Ch. 664** (*Approved 5/29/61; effective 8/9/61*). Provides that the State Board of Health shall be the State Radiation Control Agency, except as to radiation sources while being transported by railroad or motor vehicle in conformity with the regulations of the Public Utilities Commissioner.

Directs the board to issue rules for occupational and public safety from radiation hazards, and to provide for licensing or registration of radiation sources.

Requires employers to keep records of radiation exposure of employees as prescribed by regulation of the board, and to furnish such information to employees under certain conditions.

Authorizes the board, among other things, to cooperate with the Federal Government, other States, or interstate agencies to perform functions, including inspection, that relate to control of radiation sources; to qualify personnel to carry out the provisions of this act; and to make such personnel available for participation in programs with the Federal Government, other States, or interstate agencies.

Repeals a 1957 law which authorized the board to issue radiation safety rules after making a 2-year study of the problem.

(Repeals ORS 453.610 through 453.650, and enacts new sections.)

## PRIVATE EMPLOYMENT AGENCIES

**Ch. 380** (*Approved 5/1/61; effective 8/9/61*). Deletes from coverage of the private employment agency law any labor contractor who for a charge for services employs any person or group of persons to work for or under a third person.

Prohibits employment agencies from making any fee or charge prior to placement. Provides that changes in the placement fee schedule must be filed at least 14 days, rather than 7 days, before becoming effective.

Makes various strengthening and clarifying changes. For example, specifies that the applicant for a license must give the address of each place where the agency's business is to be conducted and must give 10 days' notice and pay a \$10 fee for a change of address or for opening an additional office. Requires the labor commissioner to make a separate investigation before issuing an amendment to the license. Requires licensees to keep records for the employment agency and to separate them from those of any other business conducted by the same persons. Specifies the commissioner's right of entry to inspect such records.

(Amends ORS 658.005, 658.045, and other sections of the law regulating private employment agencies.)

## UNEMPLOYMENT INSURANCE

**Ch. 207** (*Approved 4/7/61; effective 7/1/61*). Provides for the cancellation of all wage credits for gross misconduct.

**Ch. 208** (*Approved 4/7/61; effective 7/1/61*). Amends provision which permits the extension of a base period by quarters (up to 4) in which the individual is incapable of work during the greater part of his working time by providing that benefits received as a result of the use of wages paid in a quarter prior to the current base period shall not exceed one-third of such wages less benefits paid previously as a result of the use of such wages in computing a previous determination.

**Ch. 209** (*Approved 4/7/61; effective 7/1/61*). Changes the disqualification period for unemployment due to marital obligations from 4 weeks to the duration of the unemployment and until claimant has secured bona fide employment.

**Ch. 211** (*Approved 4/7/61; effective 7/1/61*). Amends the qualifying requirement by specifying that the 20 weeks of employment needed to qualify must average at least \$20 a week. Formerly, earnings of \$20 were required in each of 20 weeks.

**Ch. 252** (*Approved 4/19/61; effective 7/1/61*). Amends the definition of "benefit year" by specifying that an individual must be unemployed before he can start a benefit year.

Excludes from employment service performed by an individual or partnership in the wholesale distribution of petroleum products if the remuneration for such service primarily consists of the difference between what he pays for the product and the amount he receives from the sale of the product or if the remuneration for such service primarily consists of commissions.

**Ch. 320** (*Approved 4/26/61; effective 8/9/61*). Excludes from "employment" service performed by individuals soliciting contracts for home improvements to the extent that the remuneration for such service primarily consists of commissions or a share of the profits.

**Ch. 349** (*Approved 4/28/61; effective 7/1/61*). Amends the definition of employment to include service as an officer or member of the crew of an American vessel if the employer maintains within the State an operating office from which the operations of the vessel are ordinarily and regularly supervised, managed, directed, and controlled.

Excludes from coverage service as an officer or member of the crew of a non-American vessel or service in connection with an American vessel under a contract of service which is not entered into within the United States and the vessel does not touch at a United States port.

Also excludes service as an officer or member of the crew of a vessel if compensation or losses depend upon the value of the catch.

Repeals provision excluding service as an officer or member of the crew of any seagoing vessel primarily engaged in interstate or foreign, open ocean or high seas navigation.

**Ch. 452** (*Approved and effective 5/22/61*). Excludes service performed by persons in the unclassified service of the State system of higher education, and service in connection with the Legislative Assembly or any of its committees.

## WAGE PAYMENT AND WAGE COLLECTION

**Ch. 475** (*Approved 5/22/61; effective 8/9/61*). Makes the person who operates a commercial establishment where food is cooked and served and who holds a liquor dispenser's license liable for all valid wage claims of individuals employed in kitchen facilities and dining space of such establishment who are not employed by such person, if the wage claim cannot be enforced against the employer of such individual. Authorizes the Commissioner of Labor to take assignments



of wage claims and to proceed against the person operating such establishment.

Limits the liability of the person operating the establishment to 60 days' wages. Exempts him from criminal penalties under the wage payment law.

(Adds a provision to ORS 652.310 through 652.410.)

**Ch. 662** (*Approved 5/29/61; effective 8/9/61*). Provides that every employer shall establish and maintain a regular payday. (This requirement formerly applied to every person owning or operating a mine, sawmill, mercantile establishment, manufactory, or other specified business.) Deletes the provision requiring notice of regular payday to be posted in a conspicuous place.

Extends the maximum holdover period from 30 to 35 days.

Specifies that a mutual written agreement setting different times for wage payment (which is permitted by the law) must be made prior to the rendering of any service.

(Amends ORS 652.120.)

## WORKMEN'S COMPENSATION

**Ch. 583** (*Approved 5/24/61; effective 8/9/61*). In the case of any fireman employed 5 years or more, declares any disease of the lungs or respiratory tract, hypertension, and cardiovascular disease to be occupational diseases, providing the fireman underwent an earlier examination which failed to reveal evidence of a preexisting condition. Specifies that such a condition shall be disputably presumed to have resulted from employment.

(Amends ORS 656.802.)

**Ch. 697** (*Approved 5/31/61; effective 8/9/61*). Increases the minimum benefit schedule to that effective July 1, 1955 plus 6 percent, irrespective of date of injury, not to exceed the schedule effective July 1, 1957.

(Amends ORS 656.456.)

## PENNSYLVANIA

[Regular Session 1/3/61-9/1/61]

## APPRENTICESHIP

**Act 304** (*Approved 7/14/61; effective 6/1/61*). Makes statutory provision for a State Apprenticeship and Training Council in the Department of Labor and Industry. (Previously a State apprenticeship council was set up under administrative authority.) Provides

that the Governor shall appoint 4 employers, 4 employees, and 3 public members to the council. Designates as ex officio members a deputy secretary of the Department of Labor and Industry, the director of the State Employment Service, the executive director of the Advisory Board on Problems of Older Workers, and the chief of the Bureau of Rehabilitation (all in the Department of Labor and Industry), and the coordinator of Industrial Education, Department of Public Instruction.

Authorizes the council, among other duties, to establish apprenticeship standards in conformity with this act and applicable Federal statutes and regulations; conduct studies and investigations and make recommendations concerning problems of training or retraining to improve or modernize work skills of unemployed or employed persons; and promote local cooperation among employer and employee representatives, educational agencies, and industrial development agencies for establishing better apprenticeship and other training programs.

Provides for a Director of Apprenticeship and Training, appointed by the Secretary of the Department of Labor and Industry, to serve as secretary of the council, promote apprenticeship standards and supervise their maintenance, and perform other duties.

(Adds secs. 90.1 through 90.10 to 43 PS.)

## CHILD LABOR AND SCHOOL ATTENDANCE

**Act 282** (*Approved 7/12/61; effective 9/11/61*). Amends the minimum age provisions to permit the employment of a minor 12 to 14 years of age as a golf caddy provided he carries only one bag at a time and caddies for no more than 18 holes in any one day. Requires a vacation employment certificate, which is valid for employment outside school hours and during vacations.

(Amends 43 PS secs. 42 and 52.)

**Act 361** (*Approved 7/25/61; effective 9/24/61*). Authorizes payment to county school boards of amounts approved by the Department of Public Instruction for summer classes for migrant children, including transportation costs. Appropriates \$15,000 for this purpose.

(Amends 24 PS secs. 9-925 and 13-1327, and adds sec. 25-2509.2.)

**Act 494** (*Approved and effective 8/23/61*). Sets a maximum 28-hour workweek during any school week for minors 16-18 years of age enrolled in school. Limits in-school minors under 16 to 4 hours' work on a schoolday, 8 hours on any other day, and 18 hours during any school week, except that 8 hours a day combined school and work is set for minors 14 and over under a recognized school-work program. (Retains the maximum 8-hour day, 44-hour week, and 6-day week for

minors under 13, whether or not enrolled in school. Deletes the provision that hours spent in school count toward the maximum workday or workweek for children under 16.) Newly prohibits the employment of boys 16-18 from 11 p.m. to 6 a.m. if enrolled in school. (Retains nightwork prohibition of 7 p.m. to 7 a.m. for minors under 16 and from 9 p.m. to 6 a.m. for girls 16-18.)

Amends the hazardous occupations provisions to permit minors under 18 to work where chemicals, compounds, dyes, or acids are utilized in the course of experiments and testing procedures, but provides that such work shall be under such conditions and safeguards as the Department of Labor and Industry may specify by rule or regulation. Deletes the prohibition on operation of any polishing or buffing wheel by minors under 18. Sets a minimum age of 16 for boys in any bowling alley, rather than a public bowling alley.

Allows a high school graduate under 18, upon proof of graduation, to make personal application for an employment certificate. (Formerly, the law required that the parent or guardian make personal application.)

Authorizes the department to issue special permits for employment of minors 7 to 18 years of age in theatrical productions, musical recitals or concerts, entertainment acts, modeling, radio, TV, motion picture making or in other similar forms or media of entertainment, but not in a boxing, sparring, or wrestling match or exhibition or in other acts hazardous to the child's safety or well-being. Sets the following conditions: Performances limited to 2 a day and 8 a week, prohibited after 11:30 p.m., and prohibited where alcoholic beverages are sold; adequate provision made for the minor's educational instruction, supervision, health and welfare, and the safeguarding of his earnings; rehearsals permitted if overall time for rehearsals and performances is not injurious or harmful to the minor. Requires application forms to be signed by both the parent or guardian and the employer and sworn to before a notary. Authorizes appeals from the Department of Labor and Industry to the Industrial Board and, on questions of law, to the Common Pleas Court of Dauphin County (Commonwealth Court).

Gives the department rulemaking authority to carry out the intent of the child labor act. Makes such rules subject to approval by the Industrial Board.

(Amends 43 P S secs. 44, 46, 51, 53, 58, 59, 65, and 66, and adds new sections.)

## DISCRIMINATION IN EMPLOYMENT

**Act 19** (*Approved 2/28/61; effective 3/30/61*). Changes the name of the Fair Employment Practice Commission to the Human Rela-



tions Commission, and the name of the Fair Employment Practice Act to the Human Relations Act.

(Amends 43 P S secs. 951, 956, 957, and other sections.)

## INDUSTRIAL RELATIONS

**Act 577** (*Approved 9/15/61; effective 9/14/61*). Prohibits use of tear or noxious gas by any person, partnership, association, or corporation, other than a law officer, against any person involved in a labor dispute. Provides penalty for violation of fine up to \$2,500 and/or imprisonment up to 2 years.

(Adds secs. 3861, 3862, and 3863 to 18 P S.)

## MIGRATORY WORKERS

**Act 361** (*Approved 7/25/61; effective 9/24/61*). See **Child Labor and School Attendance**.

## OCCUPATIONAL HEALTH AND SAFETY

**Act 371** (*Approved 7/25/61; effective 9/23/61*). Amends the definition of "elevator" subject to regulation by the Department of Labor and Industry. Adds inclined passenger lifts (such as ski tows and inclined stairways). Excludes portable construction hoists less than 50 feet high, and elevators, hoists, or lifting or lowering apparatus used on farms, in slope or open-pit coal mining, or in an ore mine.

Redefines "major repairs." Makes more specific the requirements concerning prior approval of plans for such repairs, and requires a \$5 testing or inspection fee before operation after major alterations. Raises inspection fees: for example, from \$3 to \$4 for the certificate of operation for any elevator, from \$5 to \$7 for the additional fee for each inspection of a building hoist by inspectors of the department, and from \$10 to \$14 the additional fee for inspection of freight elevators.

(Amends 35 P S secs. 1341, 1350, and 1351.)

**Act 405** (*Approved 8/4/61; effective 10/3/61*). Provides that in buildings under the safety jurisdiction of the Department of Labor and Industry, all fire extinguishers which are installed or stored in a closet or recessed in a wall or otherwise obscured from view shall be marked at a readily visible point with a light of such size and color that its location may be immediately ascertained in emergencies.

(Adds sec. 1224.1 to 35 P S.)

## PHYSICAL EXAMINATIONS

**Act 225** (*Approved and effective 6/19/61*). Makes it unlawful for an employer to require an employee or applicant to pay for the

cost of a medical examination, if the individual works for the employer for 1 workweek. Makes the provision inapplicable where the medical examination is required by law.

(Adds secs. 1001, 1002, and 1003 to 43 P S.)

## UNEMPLOYMENT INSURANCE

**Act 570** (*Approved 9/14/61; effective 9/1/61*). Provides that an otherwise able and available claimant shall not be held unavailable solely by reason of attending an approved training or retraining course.

Includes as "remuneration," for purposes of determining whether a claimant is unemployed, all payments of wages in lieu of notice, separation allowances, dismissal wages, and similar payment; these payments were formerly included only if they were legally required. Provision, as amended, excludes from "remuneration" any amount up to \$100 per week paid to an individual by a separating employer in consideration of the individual's relinquishment of all accrued rights and benefits from the separating employer.

Excludes from the definition of "wages" any payment made to an individual by a business association in which at least 50 percent of the proprietary interest is owned either individually or collectively by such individual, his spouse, father, mother, brother, or sister, unless a tax is imposed on such payment by the Federal Unemployment Tax Act.

## WAGE PAYMENT AND WAGE COLLECTION

**Act 329** (*Approved 7/14/61; effective 8/14/61*). A wage payment and wage collection law. Replaces a law which required semimonthly payment of wages unless otherwise stipulated in the contract of hiring.

Requires all employers to pay wages in lawful money or by check on regular paydays designated in advance. Permits deductions as required by law or authorized by regulation of the Department of Labor and Industry. Requires employers to notify employees, on hiring, of wage rates and paydays.

Limits the holdover period to the number of days specified in the written contract, or, if not specified, to the standard time lapse customary in the trade, or to 15 days. Permits overtime compensation to be paid on the payday following the one on which regular earnings are due.

Requires payment on the next regular payday if a worker leaves his employment, or if work is suspended because of an industrial dispute. In the event of a dispute over wages, requires the employer

to give written notice to the employee of the amount he concedes to be due, and to make payment within the time specified in the law. Provides that acceptance by the employee does not constitute a release of the balance of the claim.

Makes it the duty of the Secretary of Labor to administer and enforce the act, and to issue regulations for its administration. Directs the secretary to notify an employer of a claim against him. Requires the employer to pay the claim or make satisfactory explanation (e.g., a good-faith assertion of a right to set-off) within 10 days after receipt of notice. If he fails to do so, makes the employer liable to a penalty of 10 percent of the claim found to be due.

In the event of failure to pay for 30 days beyond the regularly scheduled payday without a good-faith reason, gives the employee the right to liquidated damages in an amount equal to the unpaid wages, but not in excess of \$200 or 6 percent of the claim, whichever is greater. Authorizes action by an employee to recover unpaid wages and liquidated damages for himself and on behalf of similarly situated employees. Authorizes the Secretary of Labor to take assignments in trust of wage claims, bring civil action, and require the employer in such a case to post a bond to secure payment of the claim. Provides that any action must be instituted within 3 years of the day on which the wages were due. Provides that no actions may be brought for unpaid wages while it is subject to arbitration procedures under a collective bargaining agreement.

Sets penalties for violation.

(Adds secs. 260.1 through 260.12 to 43 PS.)

## WAGES—PREVAILING WAGES

**Act 442** (*Approved 8/15/61; effective 2/15/62*). A prevailing wage law. Requires every public works contract in excess of \$2,000 to provide for the payment of general prevailing minimum wage rates in the locality, as determined by the Secretary of Labor and Industry. Provides that the secretary may designate the appropriate locality, and in making his determinations shall consider applicable wage rates, including employer contributions for employee benefits, established by collective bargaining agreements negotiated on an industry-wide basis. Establishes review procedures.

Authorizes the secretary to adopt regulations.

Requires every contractor and subcontractor to keep wage and hour records, open to inspection by the awarding public body and by the secretary. Requires posting of prevailing minimum wage rates at the site or where the workmen are paid.



Directs the secretary to investigate complaints, and, if he finds an underpayment, to set a hearing. If the failure is found to be intentional, directs the secretary to notify all public bodies not to contract with the offending contractor for 3 years. Further authorizes the secretary to direct the public body to terminate the contract, and to request the Attorney General to recover penalties.

Gives workmen a right, during the 6 months following an underpayment, to bring an action to recover the difference between the amount paid and the wage specified in the contract.

Provides that a public body, before making final payment on a public contract, shall require every contractor and subcontractor to file a verified statement itemizing the amounts due and owing by such contractor to any workmen. Provides for deduction of such sums from the final contract payment and for payment directly to the workmen.

Exempts from coverage any public works subject to the Walsh-Healey or Davis-Bacon Acts.

(Adds secs. 165-1 through 165-17 to 43 PS.)

**Act 455** (*Approved and effective 8/21/61*). Requires all contracts for State printing to contain a clause that the contractor agrees to pay prevailing wages and provide prevailing working conditions, or to contain an agreement to maintain conditions in effect under a collective bargaining agreement between employer and employees which conditions shall be taken as those prevailing in the locality. Makes an employer who violates the law subject to cancellation of the contract and ineligible for further contracts for a period of 2 years.

(Adds secs. 1654, 1655, and 1656 to 71 PS.)

## WAGES AND HOURS—ALL WORKERS

**Act 582** (*Approved and effective 9/15/61, except statutory minimum wage effective 1/1/62*). Enacts a minimum wage law applicable to men, women, and minors, setting a statutory minimum wage, and providing for wage board procedures. Specifies that this act is supplementary to the preexisting law which provides for setting wages by order for women and minors. Exempts certain occupational classifications, including: employment by seasonal amusement parks, by resort hotels, by motion picture theaters, and by hotels and restaurants other than in cities of the first and second class; certain taxicab drivers; and employment by a nonprofit hospital or nursing home, by a religious or charitable organization, or by an institution caring for the mentally deficient, aged, or infirm.

Sets a statutory minimum wage of \$1 an hour except that different rates may be set by wage order, but not less than 85 cents an hour. Provides that learners may be employed at 85 cents an hour in accordance with regulations of the Department of Labor and Industry as to definitions of learner, proportion of learners to total employment, and length of service. Authorizes allowances for gratuities, in occupations where they are customary, of 35 cents an hour for regular workers, 26 cents for learners, and a proportionately higher allowance where a wage order sets overtime rates. Permits deductions for meals up to 50 cents a meal and \$8 a week, and for lodgings up to \$5 a week.

Specifies that the wage rates established in this act shall not affect the provisions of any wage order existing prior to the effective date of the statutory minimum unless the order has been in effect for at least a year.

Authorizes wage boards to recommend and the department to adopt regulations governing, among other matters, learners and apprentices, special pay for special or extra work, overtime, and deductions for board, lodging, or other items or services supplied by the employer.

Provides that any more favorable standards relating to minimum wages, maximum hours, overtime pay, or other working conditions which are in effect under the preexisting minimum wage law or any other law or regulations at the time this act becomes effective shall continue in effect until rescinded or specifically superseded by more favorable standards under this act. Specifies that allowances for board and lodging in effect under any preexisting orders shall remain in effect for 12 months following the effective date of the statutory minimum and shall be applied to adult males as well as to women and minors during this period.

(Adds secs. 333.1 through 333.18 to 43 PS.)

## WORKMEN'S COMPENSATION

**Act 438** (*Approved 8/8/61; effective 10/7/61*). Raises the maximum burial allowance from \$500 to \$750.

(Amends 77 P S sec. 561.)

**Act 440** (*Approved 8/8/61; effective 10/7/61*). Requires an employer to furnish replacements for an artificial limb or eye together with continued medical care in connection therewith, in addition to furnishing the limb or eye as already required.

(Amends 77 P S sec. 531.)

**Act 476** (*Approved 8/22/61; effective 10/21/61*). Authorizes the State Board of Vocational Rehabilitation to provide vocational rehabilitation, training, and services to disabled workers entitled to benefits under the workmen's compensation or occupational disease

laws. Authorizes the board to pay living expenses for such individuals and their families during the training period and for an additional 60-day trial period of employment. Provides that the costs shall be paid for first with Federal or State funds, if and when available, and if no such funds are available, then from the Second Injury Reserve and Rehabilitation Fund.

(Adds sec. 681.7a to 43 P S.)

**Act 581** (*Approved 9/15/61; effective 11/14/61*).

**Act 633** (*Approved 9/19/61; effective 11/18/61*). These laws require the Secretary of Labor and Industry to prepare instructions dealing with the rights of employees in the event of an accident and in the event of disability or death caused by an occupational disease. Specifies that these instructions are to be printed by the insurers at their own expense and distributed by insured employers to each employee.

(Adds secs. 483 and 1404.1 to 77 P S.)

**Act 634** (*Approved 9/19/61; effective 11/18/61*). Specifies workmen's compensation coverage of special school police in municipalities and townships.

(Adds sec. 22d to 77 P S.)

**Act 709** (*Approved 9/30/61; effective 11/29/61*). For total disability and schedule injuries, raises the maximum weekly benefit from \$42.50 to \$47.50, and the minimum weekly benefit from \$25 to \$27.50. For employees earning less than the minimum benefit, raises the weekly benefit from \$17.50 to \$20.

For nonschedule partial disability, raises the maximum weekly benefit from \$32.50 to \$37.50.

For death, raises the maximum weekly benefit for a widow from \$27 to \$30.50, and for a widow with 3 or more children from \$42.50 to \$47.50. Raises the minimum wage on which death benefits may be computed from \$42.50 to \$50, thus raising the minimum weekly benefit for a widow without children from \$21.68 to \$25.50, and for a widow with 3 or more children from \$28.33 to \$33.33.

Requires an employer to furnish "other prostheses" in addition to an artificial limb or eye, as formerly required, and also to furnish training as necessary in the proper use of such prostheses.

(Amends 77 P S secs. 511, 512, 513, 561, and 671.)

**Act 710** (*Approved 9/30/61; effective 11/29/61*). Raises from \$10,500 to \$12,000 the maximum benefits payable for disability and death resulting from silicosis, anthracosilicosis, or asbestosis.

Provides the same increases in benefits for occupational diseases generally as were made for industrial accidents by Act 709.



Adds to the medical benefit provisions a requirement that the employer furnish necessary training in the proper use of prostheses.

(Amends 77 P S secs. 1401, 1406, 1407, 1419, and 1528.)

## PUERTO RICO

[Regular Session 1/9/61-5/31/61]

### CHILD LABOR AND SCHOOL ATTENDANCE

**Act 26** (*Approved and effective 6/9/61*). Permits minors between 14 and 16 years of age to be employed outside school hours in a factory, but not in any occupation declared hazardous by law or by the Board to Determine Dangerous Occupations for Minors. (Formerly the law permitted such minors to be employed outside school hours only in nonfactory work.)

(Amends 29 L.P.R.A., secs. 432 and 436.)

### HOURS OF WORK

**Act 121** (*Approved and effective 6/27/61*). Requires payment at double the regular rate for work during the meal period.

(Amends 29 L.P.R.A., sec. 283.)

### INDUSTRIAL RELATIONS

**Act 128** (*Approved and effective 6/28/61*). Authorizes deductions from wages, upon the worker's written authority, of not in excess of 50 cents for each worker, to pay for lunches provided by employers in the sugar industry; to pay for shares, loans, and interest to a credit union organized under the Federal Credit Union Act (already authorized for credit unions established under Puerto Rico laws); and to pay contributions to insurance, retirement, savings, and other protective funds agreed upon by the workers either individually or through collective bargaining, provided employers make a like contribution and payment is made to the insurance or trust company acceptable to the union or to the Secretary of Labor in lieu thereof. Sets certain safeguards on the payment of such contributions.

(Amends 29 L.P.R.A., sec. 175.)

**Act 139** (*Approved and effective 6/30/61*). Provides that a mayor, upon written authorization from employees belonging to a union, association, or federation of public employees certified by the Secretary of Labor, may deduct association dues from wages. Forbids deductions for more than one organization at a time.

**Act 142** (*Approved and effective 6/26/61*). Extends the jurisdiction of the Puerto Rico Labor Relations Board to such corporate government instrumentalities as were originally in the "exempt service" but are now in the "competitive service" at their own request or otherwise. Guarantees to such employees the right to organize and bargain collectively through representatives of their own choice. ("Corporate instrumentalities" are such agencies as the Puerto Rico Development Company, the Transportation Authority, and the Communications Authority. Corporate instrumentalities in general are covered by the labor relations act. Government employees in general are excluded.)

Provides that if the parties are unable to negotiate a collective bargaining agreement, or if a labor dispute cannot be settled by collective bargaining, the Secretary of Labor shall appoint a conciliator. If agreement cannot be reached through conciliation, requires an arbitrator or group of arbitrators to be named by the parties or, if they cannot agree, by the Secretary of Labor. Makes arbitration awards final and binding and enforceable by the courts.

Requires the establishment of a grievance committee under each collective bargaining agreement. This committee is to have equal representation from employees and management and to be presided over by an outsider unanimously chosen by the committee or, if they cannot agree, by the Secretary of Labor. Authorizes the committee to hold hearings, subpoena witnesses, and require such information as it deems necessary to settle a dispute. Makes the committee's majority decision binding on the parties.

Prohibits the inclusion in a union contract or an arbitration award of provisions on wages or other conditions of work which would or might result in an increase in charges for services rendered by the government instrumentality of more than 10 percent at the time or within 2 years.

Makes it unlawful for an instrumentality to discharge, suspend, lower wages, or otherwise discriminate against an employee for lawful activities under this act but authorizes it to take disciplinary action if there is interruption or lessening of services. Makes it unlawful for the instrumentality to lock out employees for concerted activities in their interest if the activities do not result in a work stoppage.

(Adds secs. 481 through 499 to 29 L.P.R.A.)

## MIGRATORY WORKERS

**Act 28** (*Approved and effective 6/9/61*). Appropriates \$10,000 to be used by the Travelers Aid of Puerto Rico, Inc. to continue its program of assistance to migrant people traveling to and from Puerto

Rico. Authorizes the Secretary of Labor to administer these funds and cooperate in the development of the program.

## WAGE PAYMENT AND WAGE COLLECTION

**Act 111** (*Approved 7/22/61*). Requires all contractors doing any type of construction work in excess of \$15,000 to post a bond covering liability for wages, which shall not be less than 10 percent of the estimated cost of the project. Makes failure to post the bond a misdemeanor, and provides for suspension of the contract if the bond is not posted. Also requires weekly payment of wages in cash.

Provides that a worker who has not been paid in whole or in part as required by this act, in the form and terms established by law, may recover in a civil action double the amount of wages due plus expenses and attorneys' fees. Authorizes the Secretary of Labor to bring an action either on request of the worker or on his own motion. Requires the contractor to file with the Secretary of Labor and to post at the payment site the name of the contractor and any subcontractor and the nature of the work performed.

(Adds secs. 195 through 206 to 29 L.P.R.A.)

**Act 128** (*Approved and effective 6/28/61*). See **Industrial Relations**.

**Act 139** (*Approved and effective 6/30/61*). See **Industrial Relations**.

## WORKMEN'S COMPENSATION

**Act 82** (*Approved and effective 6/19/61*). Authorizes the Administrator of the State Insurance Fund to appropriate out of reserves and surplus funds the sum of \$2,700,000 for the construction and equipment of an industrial medicine and surgery hospital and for the purchase of the necessary land site, in addition to the \$1,760,000 already appropriated by law.

# RHODE ISLAND

[Regular Session 1/3/61-6/2/61]

## INDUSTRIAL RELATIONS

**Ch. 129** (*Approved and effective 6/8/61*). Makes it unlawful for an employer willfully to fail to make payments into a health or welfare fund, pension fund, or other such employee benefit plan as agreed in a collective bargaining agreement. Sets penalty for violation. Makes it the duty of the Director of Labor to enforce the act.



**Ch. 149** (*Approved and effective 6/8/61*). Enacts the "Fire Fighters' Arbitration Act." Defines firefighters to mean the permanent uniformed members of any paid fire department in any city or town. Specifies that firefighters have the right to bargain collectively concerning wages, hours, and other working conditions. Requires cities and towns to recognize the labor organization selected by the majority of firefighters as the sole and exclusive bargaining agent for all members. Makes it an obligation of the city or town to bargain collectively in good faith with such a labor organization.

Provides for the submission of all unresolved issues to arbitration. Sets forth specific factors which, among others, are to be given weight by the arbitrators in arriving at a decision. Provides that a majority decision of the arbitrators shall be advisory in nature and shall not be binding upon either the bargaining agent or the corporate authorities.

Requires collective bargaining agreements to provide that firefighters shall have no right to strike.

Makes it the obligation of the bargaining agent to serve written notice on the employing city or town, at least 120 days before the last day on which money can be appropriated to cover the contract period, whenever wages, rates of pay, or any other matter requiring appropriation of money by any city or town are included as matter of collective bargaining.

## TEMPORARY DISABILITY INSURANCE

**Ch. 97** (*Approved and effective 6/2/61*). Provides that under specified conditions lag-day disability benefits may be paid for holidays and for days preceding a benefit week of a claimant who has become ill a second time in a benefit year.

## UNEMPLOYMENT INSURANCE

**Ch. 57** (*Approved and effective 5/18/61*). Provides that where a claimant has benefit credits for work performed for a private employer and for the State and its political subdivisions, the former credits shall be charged first.

**Ch. 58** (*Approved and effective 5/18/61*). Provides for the omission of benefit charges from an employer's account if the individual left his employment for reasons not connected with such employment; benefits paid to an individual who leaves work pursuant to a retirement plan, system, or program shall be charged to an employer's account.

**Ch. 59** (*Approved and effective 5/18/61*). Provides that a claimant shall not be ineligible for benefits because of his regular attendance at a vocational training course which the director has approved.

**Ch. 98** (*Approved and effective 6/2/61*). Amends the waiting period provision by permitting such waiting period to be served in the last week of the old benefit year.

**Ch. 102** (*Approved and effective 6/6/61*). Permits the director to reconsider any determination within 1 year if an error has occurred or if there has been a nondisclosure or misrepresentation of a material fact. Provides that benefits paid shall not be recovered unless there was fraud on the part of the claimant.

**Ch. 103** (*Approved 6/6/61; effective 7/1/61*). Permits an individual to receive unemployment compensation benefits based on wages earned while he was a student. This provision does not include services performed in the employ of school, college, or university by a student who is enrolled and regularly attending classes.

**Ch. 170** (*Approved and effective 6/13/61*). Excludes from coverage service performed as a golf caddy not in the employ of a club.

## WORKMEN'S COMPENSATION

**Ch. 61** (*Approved and effective 5/24/61*). Raises maximum medical benefits exclusive of hospital services from \$300 to \$600 for an employee hospitalized for 14 days or less, and from \$600 to \$1,200 for an employee hospitalized more than 14 days. Raises maximum payments for diathermy and hospital treatment from \$75 to \$125. Bases hospitalization payments on semiprivate rather than multiple-bed accommodations. Retains the authority of the Workmen's Compensation Commission to order additional medical benefits.

(Amends sec. 28-33-5, Gen. Laws.)

**Ch. 82** (*Approved and effective 6/6/61*). Deletes the proviso which suspended payments from the subsequent injury fund, for additional dependents' benefits to totally disabled persons receiving benefits under the temporary disability benefits law, when the balance of the fund on May 1 was less than \$250,000.

Provides that insurer and employer payments into the fund are to be suspended when the fund on May 1 exceeds \$500,000, rather than \$150,000 as formerly, and resumed when the balance falls to \$350,000, rather than \$100,000.

(Amends secs. 28-37-10 and 28-37-18, Gen. Laws.)

**Ch. 123** (*Approved and effective 6/8/61*). Raises maximum weekly benefits for total disability from \$36 to \$40.

(Amends sec. 28-33-17, Gen. Laws.)

**Ch. 134** (*Approved and effective 6/8/61*). Makes changes concerning costs awarded to claimants. For example, specifically includes counsel fees and medical witness fees; specifies that costs may be awarded only to successful claimants; and authorizes such awards by a single workmen's compensation commissioner, by the full commission, or by the court on appeal.

(Amends sec. 28-35-32, Gen. Laws.)

## SOUTH CAROLINA

[Regular Session 1/10/61-5/18/61]

### OCCUPATIONAL HEALTH AND SAFETY

**Act 339 (Rat. No. 490)** (*Approved and effective 5/23/61*). Provides for the entry of South Carolina into the Southern Interstate Nuclear Compact. Provides that the South Carolina member of the board established under the compact shall be appointed from the Committee on Nuclear Energy created in 1960. (For a description of the compact, see Alabama Act 52.)

### UNEMPLOYMENT INSURANCE

**Act 221** (*Approved 4/4/61; effective 1/1/62*). Amends the definition of a "nonprofit organization" to include an organization organized and operated exclusively for testing for public safety. Specifically provides that a nonprofit organization does not include an organization that participates in or intervenes in any political campaign on behalf of any candidate for public office.

Amends provision which exempts from coverage (thus extending coverage to) services in the employ of an organization not subject to a Federal income tax if the wages for such services are less than \$50 (instead of \$45) a quarter. Deletes the requirement that such service is in connection with the collection of dues for a fraternal beneficiary society, and is performed away from the home office or is ritualistic service in connection with such society or is performed by a student attending classes at a school, college, or university.

Extends coverage to services performed for any agricultural or horticultural organizations exempt from income tax, and services performed for a voluntary employees' beneficiary association.

**Act 387** (*Approved 5/10/61; effective 7/1/61*). Changes the maximum weekly benefit amount from \$26 to 50 percent of the State average weekly wage. Increases the minimum weekly benefit amount from \$8 to \$10. Computes the weekly benefit as 50 percent of an individual's average weekly wage (high-quarter wages divided by 13)



instead of a weighted schedule with approximate fractions of  $\frac{1}{21}$ – $\frac{1}{26}$ .

Changes the minimum base-period wage requirement from \$240 to \$300 with \$180 in the high quarter. Retains the one and one-half times the high-quarter wage requirement.

Changes the disqualification period for misconduct from 1–22 weeks to 5–22 weeks. Provides that the disqualification for misconduct shall not be made for failure to meet production requirements unless such failure is occasioned by willful failure or neglect of duty.

Changes the disqualification period for refusal of work from 1–5 weeks following the week of such refusal to 4 weeks following such week.

Adds a disqualification for voluntary retirement from most recent work. Such disqualification continues for the duration of the unemployment and until 8 times the weekly benefit amount is earned.

## WAGE PAYMENT AND WAGE COLLECTION

**Act 237 (Rat. No. 344)** (*Approved and effective 5/4/61*). Repeals the section requiring all railroad corporations operating 35 miles or more of line in the State to pay shop employees semimonthly.

(Repeals sec. 58–745, S. C. Code 1952.)

## WORKMEN'S COMPENSATION

**Act 214 (Rat. No. 318)** (*Approved and effective 5/4/61*). Excludes from the workmen's compensation law, unless the employer voluntarily elects coverage, employers and employees principally engaged in operating peach packing sheds where peaches grown in the State are packed for shipment.

(Amends sec. 72–107, S. C. Code 1952.)

**Act 332 (Rat. No. 477)** (*Approved and effective 5/23/61*). Establishes the Board of Rural Fire Control for Lee County, and specifies that the board and volunteer firemen appointed or selected by the board shall be covered by the workmen's compensation act.

## SOUTH DAKOTA

[Regular Session 1/3/61–3/3/61]

## UNEMPLOYMENT INSURANCE

**Ch. 105** (*Approved 2/25/61; effective 7/1/61*). Amends provision relating to the nonprofit exclusion by specifying that service performed in the employ of a religious, charitable, educational, or other

organization which is exempt from Federal income tax shall be excluded instead of service performed for a corporation, community chest, fund, or foundation organized and operated exclusively for religious, charitable, educational, or similar purposes, if no part of the net earnings inures to the benefit of any private shareholder or individual.

Amends provision relating to the exclusion of part-time service for nonprofit organizations exempt from income tax by extending coverage to service in connection with the collection of dues for a fraternal beneficiary society, which is performed away from the home office or is ritualistic service in connection with any such society.

Extends coverage to services performed for any agricultural or horticultural organizations exempt from income tax, services performed for a voluntary employees' beneficiary association, and services performed for a school, college, or university not exempt from income tax if such service is performed by a student.

**Ch. 106** (*Approved 3/9/61; effective 7/1/61*). Effective January 1, 1962, amends the experience rating provisions. Increases the standard rate from 2.7 to 3.6 percent. Permits an employer to obtain a reduced rate if his account has been chargeable with benefits throughout the preceding 2 calendar years instead of 3 years.

**Ch. 107** (*Approved 2/27/61; effective 7/1/61*). Permits the Commissioner to terminate any election of coverage agreement upon 30 days' notice to the employer.

Requires the Commissioner to terminate the coverage of any employing unit as of the date it ceases to employ the required number of workers because of the sale of its entire business and the experience rating account is transferred to another employer. Also requires the Commissioner to terminate coverage for any employer as of January 1 of any year if the employer ceases his business for any purpose after 1 calendar year has elapsed since he employed four or more workers in 20 weeks.

**Ch. 108** (*Approved 2/27/61; effective 7/1/61*). Provides that lag-period wages shall not be available for benefit purposes in a subsequent benefit year unless an individual subsequently earns wages equal to at least 4 times his weekly benefit amount.

**Ch. 110** (*Approved 2/27/61; effective 7/1/61*). Requires every public corporation, on entering into a contract for public improvement, to provide in such contract that the contractor will pay all contributions and interest due. Also requires every public corporation, on entering into a contract with an out-of-State contractor, to provide that such contractor will pay, within 24 months after completion of the contract, 50 percent of the benefits, less any contributions paid, which have been charged to such contractor.

## TENNESSEE

[Regular Session 1/2/61-3/18/61]

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 162** (*Approved and effective 3/4/61*). Permits minors under 16 who are lawfully excused from compulsory school attendance to be employed during school hours (but not in a manufacturing or mechanical establishment, bowling alley, or in the operation of any power-driven machinery). (A minor may be excused from school attendance if he is physically or mentally incapacitated, lives more than 3 miles from school and there is no suitable transportation, has completed high school, or is 15 and his continued attendance is not of substantial benefit to the child.) Permits such minors to work until 10 p.m. and to begin work at 6 a.m. A prohibition on work between 7 p.m. and 7 a.m. is otherwise applicable to minors under 16.

(Amends secs. 50-709 and 50-710, Tenn. Code Ann.)

**Ch. 184** (*Approved and effective 3/10/61*). See **Workmen's Compensation**.

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 9** (*Approved and effective 1/30/61*). Amends the "Radiological Health Service Act" of 1959 (which provided for registration of radiation sources and rulemaking authority to control radiation hazards) by authorizing the Commissioner of Health to issue rules for the licensing of users of radioactive materials.

Specifies further that no ordinance, resolution, or regulation concerning control of sources of ionizing radiation adopted by any municipality, county, or local health board shall be in conflict with the act or the rules and regulations adopted under it.

(Amends sec. 53-3306, Tenn. Code Ann.)

**Ch. 10** (*Approved and effective 1/30/61*). Adds to the 1957 act which authorized studies of laws and regulations concerning atomic energy and other forms of radiation, a provision authorizing the Governor to enter into agreements with the Atomic Energy Commission or other agencies of the United States Government, relating to the regulation of byproducts, source materials, or special nuclear material.

(Amends secs. 53-3101 and 53-3103, Tenn. Code Ann.)

**Ch. 104** (*Approved and effective 2/20/61*). Makes Tennessee a party to the Southern Interstate Nuclear Compact. Provides that the Tennessee member of the board established under the compact shall be appointed by the Governor. (For a description of the compact, see Alabama Act 52.)



## UNEMPLOYMENT INSURANCE

**Ch. 70** (*Approved and effective 2/18/61*). Effective in 1962, extends coverage to services performed for instrumentalities of the United States.

Provides that benefits paid on wages earned in part-time employment during a claimant's base period shall not be charged if the employer continues to give employment to the claimant to the same extent while he is receiving benefits as during the base period.

**Ch. 263** (*Approved and effective 3/16/61*). Provides that the disqualification for receipt of benefits under an employer's pension plan shall not apply if such benefits are based on military service.

## WORKMEN'S COMPENSATION

**Ch. 26** (*Approved and effective 2/3/61*). Specifies that in order for an injured worker to receive benefits from the subsequent injury fund, his employer must be properly insured or self-insured. Also specifies that the \$12,500 total maximum compensation payable for permanent partial disability applies to both schedule and nonschedule injuries.

(Amends secs. 50-1007 and 50-1027, Tenn. Code Ann.)

**Ch. 125** (*Approved and effective 2/24/61*). Adds to schedule injuries, serious disfigurement to the head, face, or hands, not resulting from the loss of a member or other injury specifically compensated, so altering the personal appearance of the injured employee as to materially affect his employability. Sets a maximum benefit period of 200 weeks.

(Amends sec. 50-1007, Tenn. Code Ann.)

**Ch. 184** (*Approved and effective 3/10/61*). Specifies that the definition of "employees" under the workmen's compensation law shall include minors "whether lawfully or unlawfully employed."

(Amends secs. 50-902 and 50-908, Tenn. Code Ann.)

**Ch. 339** (*Approved and effective 3/17/61*). Authorizes waivers for aggravation of heart conditions, in addition to existing waivers (which are subject to approval of the workmen's compensation division) for aggravation of "a specific occupational disease."

(Amends sec. 50-1109, Tenn. Code Ann.)

## TEXAS

[Regular Session 1/10/61-5/29/61]

[First Special Session 7/10/61-8/8/61]

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 425** (*Approved and effective 6/17/61*). See **Hours of Work**.

## HOURS OF WORK

**Ch. 425** (*Approved and effective 6/17/61*). Exempts females employed in an executive, administrative, professional, or outside sales capacity from the 9-54-hour law. Broadens the exemption for "stenographers and pharmacists" to cover females performing clerical, pharmaceutical or technical work or duties in an office, laboratory, or drafting room including, but not limited to, the operation of book-keeping, stenographic, clerical, laboratory, and engineering machines and equipment.

Retains the provision permitting female employees to work hours in excess of those limited by law in cases of extraordinary emergency; reduces the applicable overtime pay from double time to one and one-half times the regular rate. Retains the provision entitling any female who works more than 40 hours per week to overtime pay for work in excess of 9 hours per day; reduces the overtime rate from double time to one and one-half times the regular rate.

(Amends secs. 5 and 5a, Art. 5172a, Vernon's Civ. Stat.)

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 54** (*Approved and effective 3/30/61*). Provides for the entry of Texas into the Southern Interstate Nuclear Compact. Provides that the Texas member of the board established under the compact shall be appointed by the Governor and that he shall assist in the coordination of atomic activities in the State. Also authorizes the Governor to appoint an Atomic Energy Advisory Committee to advise in the coordination of atomic activities. (For a description of the compact, see Alabama Act 52.)

**Ch. 72** (*Approved and effective 4/17/61*). Designates the State Department of Health as the State Radiation Control Agency. Directs the agency, for the protection of occupational and public safety, to adopt rules for the control of sources of ionizing radiation. Directs it to provide by regulation for licensing certain radiation sources, and authorizes it to require registration or licensing of other sources. Directs the agency to require the keeping of records by

persons possessing or using radiation sources, including records showing radiation exposure of individuals.

Authorizes the Governor to enter into an agreement with the Federal Government for transfer to the State of certain responsibilities with respect to sources of ionizing radiation. Authorizes the agency to enter into agreements with the Federal Government, other States, or interstate agencies, for cooperative inspection or other functions for radiation control.

**Ch. 239** (*Approved 5/27/61; effective 9/1/61*). Provides that all fees collected under the boiler inspection act shall be turned in to the general revenue fund of the State. Formerly such fees were credited to the State Boiler Inspection Fund, which fund was specifically appropriated for the purposes of paying the expenses of administration of the boiler inspection act.

(Amends secs. 12 and 17 and repeals sec. 18 of Art. 5221c, Vernon's Civ. Stat.)

## PRIVATE EMPLOYMENT AGENCIES

**Ch. 142** (*Approved 5/15/61; effective 9/1/61*). Provides that license fees collected under the private employment agency act shall be deposited in the general revenue fund of the State. Formerly such fees were deposited in the Employment Agency Fund which was used to pay the expenses of administering the private employment agency law.

(Amends sec. 9, Art. 5221a-5, and sec. 17, Art. 5221a-6, Vernon's Civ. Stat.)

## UNEMPLOYMENT INSURANCE

**Ch. 403** (*Approved and effective 6/17/61*). Changes the fine for making a false statement to obtain or increase any benefit from \$20-\$50 to \$100-\$500. Changes the period of imprisonment from not longer than 30 days to not less than 30 days nor longer than 1 year.

**Ch. 513** (*Approved 6/17/61; effective 10/1/61*). Amends the coverage exclusions of nonprofit organizations, feeder type organizations, and service performed in the employ of a school, college, or university in conformity with the 1960 Federal amendments.

Increases the highest specified tax rate from 3.3 to 4.5 percent.

**Ch. 18** (*Approved 8/11/61; effective 1/1/62*). Increases the maximum weekly benefit amount from \$28 to \$37 and raises the minimum weekly benefit amount from \$7 to \$10. Increases the computation fraction from  $\frac{1}{26}$  to  $\frac{1}{25}$  of high-quarter wages.

Changes duration from the lesser of 24 times the weekly benefit amount or 25 percent of base-period wage credits to the lesser of 26



times the weekly benefit amount or 27 percent of base-period wage credits.

Increases the limitation on wages, for the purpose of computing benefits, from the first \$3,000 to the first \$4,800 received by an individual from each employer during a calendar year.

Restores the 1-week waiting period which was repealed in 1955; however, the waiting week becomes compensable after the individual has been paid benefits in his current benefit year equal to four times his weekly benefit amount.

Changes the disqualification for voluntary leaving and misconduct from 1-24 weeks to 1-26 weeks. Changes the disqualification for refusal of suitable work from 1-12 weeks to 1-13 weeks.

## WORKMEN'S COMPENSATION

**Ch. 455** (*Approved and effective 6/17/61*). Raises maximum funeral benefits from \$250 to \$500 when there are no legal beneficiaries. Provides that when there are legal beneficiaries but the funeral is at the expense of the employer or any other person, up to \$500 shall be payable, "without discount for present payment," in addition to compensation due the beneficiary; formerly up to \$250 was to be paid out of the compensation due.

(Amends sec. 9, Art. 8306, Vernon's Civ. Stat.)

## UTAH

[Regular Session 1/9/61-3/10/61]

## APPRENTICESHIP

**Ch. 70** (*Approved 3/7/61; effective 5/8/61*). Provides that the law requiring prevailing wages to be paid on public works shall be applicable to apprentices who qualify under the apprenticeship law.

Specifies that the apprenticeship agreement entered into between an apprentice and an employer or apprenticeship committee shall be approved by the State Apprenticeship Council.

(Amends secs. 34-12-2 through 34-12-6 and sec. 35-8-5, Utah Code Ann. 1953.)

**Ch. 74** (*Approved 3/13/61; effective 5/8/61*). Provides that the State Apprenticeship Council may act as the apprenticeship committee in an establishment and may recognize standards of apprenticeship submitted by an employer or establishment which conform to the standards established under the apprenticeship act, whether or not the employees in the establishment belong to a union.

(Amends sec. 35-8-4, Utah Code Ann. 1953.)

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 71** (*Approved 3/13/61; effective 5/8/61*). See **Workmen's Compensation**.

## UNEMPLOYMENT INSURANCE

**Ch. 73** (*Approved 2/28/61; effective 5/8/61*). Amends the definition of employment to exclude services as an outside salesman paid solely by commission if such services are performed outside all the places of business of the enterprise for which such services are performed, unless such services would constitute employment at common law.

## WAGES—PREVAILING WAGES

**Ch. 70** (*Approved 3/7/61; effective 5/8/61*). See **Apprenticeship**.

## WORKMEN'S COMPENSATION

**Ch. 71** (*Approved 3/13/61; effective 5/8/61*). Amends the workmen's compensation law. Raises the maximum weekly benefit for all types of disability and death from a range of \$37-\$49.50 to a range of \$39-\$52.75, according to the number of dependents. Within the range, makes the allowance for a dependent wife and each dependent child up to a maximum of 4 children \$2.75 rather than \$2.50 a week. Raises from \$37 to \$39 the maximum weekly benefit payable from a special fund, after the employer's liability ceases, to a worker permanently and totally disabled who has cooperated with the Division of Vocational Rehabilitation but who cannot be rehabilitated.

Raises total maximum benefits for temporary total disability from a range of \$10,510.50-\$14,189.17 to a range of \$10,931-\$14,757, according to the number of dependents. Raises the total maximum for permanent partial disability from \$8,421.90 to \$8,759. Raises from \$14,822.55 to \$15,415 the total amount payable for permanent total disability.

Raises total maximum death benefits from a range of \$10,780.04-\$13,180.29 to a range of \$11,211-\$13,707, according to the number of dependents. Within the range, increases the allowance for a dependent wife and each dependent child up to a maximum of 4 children from \$480.05 to \$499.

Provides that if a period of temporary total disability lasts more than 28 days, benefits shall be payable for the first 3 days.

Makes an employer who, after notice, fails or refuses to obey safety rules or orders of the Industrial Commission subject to a

temporary injunction restraining further operation of the business.

(Amends secs. 34-1-19, 35-1-64 through 35-1-68, 35-1-74, and 35-1-78, Utah Code Ann. 1953.)

**Ch. 72** (*Approved 3/13/61; effective 5/8/61*). Amends the occupational disease law. Raises the maximum weekly benefit for total disability from a range of \$37-\$49.50 to a range of \$39-\$52.75, according to the number of dependents. Within the range, makes the allowance for a dependent wife and each dependent child up to a maximum of 4 children \$2.75 rather than \$2.50 a week. Raises the total maximum to be paid by the employer for permanent total disability from \$14,822.55 to \$15,415. Raises from \$37 to \$39 the maximum weekly benefit payable from a special fund after the employer's liability ceases, to a worker permanently and totally disabled who cannot be rehabilitated.

Raises total maximum death benefits from a range of \$10,780.04-\$13,180.29 to a range of \$11,211-\$13,707, according to the number of dependents. Within the range, makes the allowance for a dependent wife and each dependent child up to a maximum of 4 children \$499 rather than \$480.05.

Raises from \$37 to \$39 the weekly payment for permanent partial disability during the maximum of 10 weeks that an employee is actively in rehabilitation training, and raises the total payment from \$370 to \$390. Raises from \$20.21 to \$21 the amount payable each 4 weeks after the termination of such training until the full amount of the award for permanent partial disability is paid. Raises the total maximum benefit for such disability from \$4,042.50 to \$4,204.

(Amends secs. 35-2-15 and 35-2-56, Utah Code Ann. 1953.)

## VERMONT

[Regular Session 1/4/61-8/1/61]

### APPRENTICESHIP

**Ch. 186** (*Approved 6/28/61; effective 7/1/61*). Makes the Department of Industrial Relations, rather than the Department of Education, responsible for related and supplementary instruction for apprentices employed under apprenticeship programs.

(Amends 21 V.S.A. sec. 1103.)

### UNEMPLOYMENT INSURANCE

**Ch. 132** (*Approved and effective 5/19/61*). Provides that charges for benefits paid shall be omitted for employers who paid claimant less than \$295 instead of \$175. Provides that charges for benefits paid shall be omitted after the termination of employment because



of an agreed retirement or lump-sum retirement pay plan under which the age of mandatory retirement has been agreed upon.

**Ch. 210** (*Approved and effective 7/7/61*). Effects certain changes in the organization and administrative procedures of the Department of Employment Security. Gives the Commissioner of Employment Security the administrative powers and duties now held by the Employment Security Board and places in the Board responsibility for recommending amendments to the employment security law.

## WORKMEN'S COMPENSATION

**Ch. 66** (*Approved 4/12/61; effective 7/1/61*). Raises from \$200 to \$300 the maximum amount of unpaid benefits due which may be paid for funeral expenses, if a person who has been receiving disability benefits dies from a cause other than the accident and leaves no dependents.

(Amends 21 V.S.A. sec. 639.)

**Ch. 90** (*Approved 4/26/61; effective 7/1/61*). Provides that the Commissioner of Industrial Relations or the court may allow the successful claimant to recover reasonable attorney's fees in cases contested without reasonable grounds.

(Amends 21 V.S.A. sec. 678.)

**Ch. 122** (*Approved 3/17/61; effective 7/1/61*). Makes death resulting from a work injury compensable if it results within 4 years, rather than 2 years, after the injury.

(Amends 21 V.S.A. sec. 632.)

**Ch. 148** (*Approved 6/7/61; effective 7/1/61*). Provides unlimited medical benefits by authorizing the Commissioner of Industrial Relations to grant medical care and services in excess of the previously established \$5,000 limit. (Does not change the limited medical benefits set for silicosis and asbestosis under other provisions of the law.)

(Amends 21 V.S.A. sec. 640.)

**Ch. 234** (*Approved and effective 7/24/61*). Makes benefits payable for partial disability from occupational diseases, except in cases of silicosis and asbestosis where exposure began before January 1, 1939. Defines partial disability to mean the condition of an employee who is able to procure and perform suitable gainful work, but only at a lesser remuneration than that received in the occupation in which the disease was contracted. Provides that benefits for partial disability shall be payable in the same manner and amounts as provided in the partial disability provisions of the workmen's compensation law.

Provides that the restrictions heretofore set on benefits for asbestosis and silicosis shall apply only to employees whose exposure began before January 1, 1939. Raises the maximum medical benefits under

these restricted provisions from \$500 to \$1,000, retaining the 3-year time limit, and raises the maximum burial allowance from \$200 to \$300.

Adds diseases caused by exposure to chemicals to the list of compensable occupational diseases.

Makes disability from occupational disease compensable if it occurs within 3 years after the last exposure, rather than 2 years, and makes death compensable if it occurs within 10 years after last exposure, rather than 7 years.

Defines the date of disablement (which is considered the date of injury) as the date of a physician's written opinion that the employee is disabled by an occupational disease. Provides that if the employer does not challenge the opinion within a specified time, the existence of the occupational disease shall be presumed to be an established fact. If challenged, authorizes the commissioner to determine the question, under procedures established by this act.

(Amends 21 V.S.A. secs. 1002, 1004, 1006, 1007, 1013, and 1019, and adds secs. 1022 and 1023.)

## WASHINGTON

[Regular Session 1/9/61–3/9/61]

[First Special Session 3/10/61–4/1/61]

### APPRENTICESHIP

**Ch. 114** (*Approved 3/16/61; effective 6/8/61*). Provides for appointment by the Director of Labor and Industries of an assistant director to be known as the supervisor of apprenticeship, rather than appointment of a "director of apprenticeship."

(Amends RCW 49.04.010, 49.04.030, and 49.04.050.)

### CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 215** (*Approved 3/20/61; effective 6/8/61*). Establishes a youth development and conservation division within the State Parks and Recreation Commission to provide opportunities for boys 16 to 21 years of age to be employed in conservation programs and to learn the vocational and work skills utilized in conservation projects.

Provides that boys may enroll for a period of 30, 60, or 90 days, or for a shorter period as determined by the commission. Permits an enrollee to reenroll, if the commission approves, but total enrollment is limited to 40 weeks.

Provides payment to participants of \$25 a week, except that \$5 additional may be paid on the basis of assigned leadership responsi-

bilities or special skills. Requires that enrollees shall be furnished quarters, subsistence, medical care and hospital services, transportation, and equipment. Exempts enrollees or temporary employees from provisions of law governing hours, wages, sick leave, vacation, civil service, and unemployment compensation.

Authorizes the commission, by agreement with a private company or individual, to enroll and supervise additional young men to develop and maintain natural and artificial recreational areas, which shall be open to the general public without cost for at least 40 years. Provides that the private company or individual shall pay the costs incidental thereto.

Establishes an advisory committee composed of representatives of the State Board of Education, the Employment Security Department, and other State agencies, and one member appointed by the Governor.

## DISCRIMINATION IN EMPLOYMENT

**Ch. 100** (*Approved 3/15/61; effective 6/8/61*). See **Older Workers**.

## INDUSTRIAL RELATIONS

**Ch. 180** (*Approved 3/20/61; effective 6/8/61*). Makes it unlawful for a person, firm, or corporation not directly involved in a strike or lockout to bring any person into the State either to take the place of an employee involved in a strike or lockout or to picket the business where the strike or lockout exists. Also prohibits securing or offering to secure employment for an out-of-State person for this purpose. Makes violation a gross misdemeanor. Exempts activities and services offered by or through the Washington Employment Security Department.

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 207.** (*Approved 3/20/61; effective 6/8/61*). Designates the Department of Health as the State radiation control agency. Authorizes the Director of Health to appoint a Technical Advisory Board on Radiation Control composed of representatives of the healing arts, research, industrial and other recognized users of ionizing radiation or experts on physiological effects of such radiation. Directs the department to formulate and, with the approval of the technical advisory board, to adopt and repeal rules and regulations relating to control of sources of ionizing radiation. Authorizes the department to require registration of all sources of ionizing radiation, to require personnel monitoring for employees potentially ex-



posed to radiation, and to provide for reporting to any employee his radiation exposure record. Directs it to require such record-keeping as will enable it to determine the extent of occupational and public radiation exposure. Authorizes the department to enter into agreements with the Federal Government, other States, or interstate agencies, for cooperative performance of inspection and other control functions.

Authorizes the Governor to enter into agreements with the Federal Government for transfer to the State of certain responsibilities with respect to sources of ionizing radiation.

Creates an advisory council to be appointed by the Governor, including representatives from industry, labor, the healing arts, research, and education, in addition to ex officio membership by the Departments of Health, Labor and Industries, Agriculture, and Commerce and Economic Development. Directs the council, among other things, to review rules proposed by any State agency and relating to radiation use and control, to determine their consistency with rules of other agencies. Requires rules to be submitted to the council 60 days before filing with the code revisor, unless the council waives all or a part of this period.

Repeals the 1957 law which authorized the Governor to appoint a Coordinator of Atomic Development Activities and an advisory council, and directed various State agencies to study the need for changes in laws and regulations.

(Repeals RCW 43.39.010 through 43.39.120, and enacts new sections.)

## OLDER WORKERS

**Ch. 100** (*Approved 3/15/61; effective 6/8/61*). Amends the fair employment practice act to prohibit discrimination in employment because of age. Does not specify age limits in the amendments to this act.

Adds a new section to a chapter entitled "Violations—Prohibited Practices." The section makes it an unfair practice for an employer, licensing agency, or employment agency to engage in certain discriminatory acts because an individual is between the ages of 40 and 65. Permits an employer or licensing agency to establish age limits for positions requiring extraordinary physical effort, endurance, condition, or training, subject to the approval of the Director of Labor and Industries. Provides that an individual may be required to show his date of birth on an employment application form or to produce evidence of his true age. Provides that this section on prohibited practices shall not apply to any State, county, or city law enforcement

agency, nor shall it supersede any law fixing reasonable age limits with respect to certain positions in public employment. (The acts prohibited by this section are also prohibited for employers and employment agencies under the fair employment practice act, with no restriction on applicable ages. The fair employment practice act also sets prohibited practices for labor organizations, but does not specify any for licensing agencies.)

Specifies that neither the amendments to the fair employment practice act nor the new section under the prohibited practices chapter shall prevent the termination of employment of a person who is physically unable to perform his duties, or affect a bona fide retirement policy of an employer, or preclude the varying of insurance coverages according to an employee's age.

Specifies that the amendments made by this 1961 act shall not apply to the operation of an apprenticeship system.

(Amends RCW 49.60.180, 49.60.190, and 49.60.200; adds new section to RCW 49.44.)

## WAGES AND HOURS—ALL WORKERS

**Ch. 18** (*Approved 3/31/61; effective 6/30/61*). Raises the statutory minimum wage rate from \$1 to \$1.15 an hour and, beginning the calendar year 1962, to \$1.25. Exempts from the statutory minimum minors under 18 and students enrolled in an institution of higher education who are employed by such institution.

Exempts from coverage of the statutory minimum wage law: Public employees; individuals employed by certain charitable institutions concerned with child care, character development, physical fitness, or recreation; individuals working in licensed hospitals or nursing homes; and any individual whose duties require that he reside or sleep at the place of employment, or who spends a substantial portion of his worktime on call and not engaged in active duty. Deletes the former exemption of any person employed by a funeral director or operator of an emergency ambulance service.

(Under an earlier law still in effect, minimum wage rates may be set by order for women and minors excluded from the statutory minimum law.)

Repeals sections on overtime pay and administrative regulations which were declared unconstitutional by the State Supreme Court (*Peterson et al. v. Hagen*, April 14, 1960).

(Amends RCW 49.46.010, 49.46.020, 49.46.120, and 49.46.910; repeals RCW 49.46.030 and 49.46.050; and adds two new sections.)

**WORKMEN'S COMPENSATION**

**Ch. 23** (*Approved 2/14/61; effective 6/8/61*). Reenacts the workmen's compensation law, with no substantive changes. Revises the classification of occupations for the purpose of establishing premium rates.

(Repeals designated acts of various years, and enacts RCW Title 51.)

**Ch. 107** (*Approved 3/15/61; effective 6/8/61*). Provides that a workman injured during his established lunch period while on the jobsite, or away from the jobsite if under the direction, control, or at the request of his employer, shall be eligible for workmen's compensation benefits. Also specifically covers injuries sustained while a worker is going to and from work on the jobsite, if the transit time is immediate to the actual time he is working in areas controlled by the employer, except parking areas.

(Adds new sections to RCW 51.32 and 51.36, and amends RCW 51.08.)

**Ch. 108** (*Approved 3/15/61; effective 7/1/61*). Raises from \$100 to \$125 a month the benefits currently being paid to a widow, invalid widower, or unmarried permanently disabled workman under a prior award; and raises the rate from \$125 to \$155 for a permanently disabled workman who has a wife or invalid husband.

(Amends RCW 51.32.070, and repeals RCW 51.32.071.)

**Ch. 274** (*Approved 3/20/61; effective 6/8/61 except for a change in premium rate effective 1/1/62*). Raises death benefits for dependent children, thus raising the maximum benefits for widow and children from \$216 to \$245 a month (or from \$49.85 to \$56.54 a week). Raises the additional lump-sum payment at death from \$350 to \$500, and specifies that this shall be payable to a surviving widow, invalid widower, or dependent parent or parents (formerly to a surviving widow or parent or parents).

Raises the benefit for temporary or permanent total disability, if a worker is unmarried, from \$125 to \$165 a month (or from \$28.85 to \$38.08 a week); and raises the maximum amount payable to a worker with dependents from \$246 to \$310 a month (from \$56.77 to \$71.54 a week). Raises from \$75 to \$100 a month the additional amount allowed for services of an attendant.

Raises the amounts payable for schedule disabilities. For example, raises the amount from \$7,500 to \$9,750 for loss of a leg at the hip or an arm at the shoulder; from \$4,875 to \$6,350 for loss of the major hand at the wrist; and from \$1,500 to \$1,950 for complete loss of



hearing in one ear. Raises the maximum amount payable for a non-schedule permanent partial disability from \$7,500 to \$8,750.

(Amends RCW 51.32.050, 51.32.060, 51.32.080, 51.32.090, 51.44.070, 51.16.020, 51.24.010, and 51.52.060.)

**H. Con. Res. 21** (*Adopted 3/9/61*). Creates a committee composed of members of the Senate, the House, and representatives of labor, industry, and the public, to investigate the scope and effect of the workmen's compensation law and make recommendations to the Legislative Council prior to September 1, 1962, as to desirable changes. Directs the Legislative Council to prepare legislation embodying the changes, for presentation to the 1963 legislative session.

## WEST VIRGINIA

[Regular Session 1/11/61–3/11/61]

[First Special Session 6/14/61–6/16/61]

### DISCRIMINATION IN EMPLOYMENT

**Ch. 135** (*Approved 3/16/61; effective 7/1/61*). A voluntary anti-discrimination act. Provides for a 9-member Human Rights Commission, representing the several racial, religious, and ethnic groups in the State, to be appointed by the Governor. Directs the commission to appoint an executive director and other personnel. Authorizes the commission, among other powers and duties, to promote human rights research and programs for tolerance, understanding, and equal protection of the laws; to act as a conciliator in matters of employment or public accommodation involving race, color, religion, national origin, or ancestry; to receive and consider complaints; to hold hearings; and to make recommendations to the Governor and the legislature. Provides that the commission may call on other officers, departments, and agencies of the State government for assistance.

(Adds Art. 11 to Ch. 5, Code of W. Va.)

### UNEMPLOYMENT INSURANCE

**Ch. 55** (*Approved 3/17/61; effective 7/1/61*). Increases the maximum weekly benefit amount from \$30 (for \$3,000 in base-period wages) to \$32 (for \$3,200 in base-period wages).

Increases uniform duration from 24 to 26 weeks.

Increases partial earnings allowances from \$6 to \$10 and in determining partial unemployment increases the amount of earnings disregarded from \$6 to \$10.

Changes the disqualification period for discharge for misconduct from 6 weeks in addition to the week in which the claim was filed to the duration of the unemployment and until the individual has worked at least 30 days in covered employment.

Amends provision which recredits the 6 weeks' deduction for voluntary leaving if the individual returns to covered employment by specifying that such individual must be employed for 30 days.

Limits the pregnancy disqualification to 6 weeks before and 6 weeks after childbirth if claimant is physically able to work.

Deletes provision disqualifying an individual for receiving a primary insurance benefit under title II of the Social Security Act.

Specifically provides that an individual shall not be disqualified because he is receiving training as a part of an area vocational program.

Effective January 1, 1962, increases the limitation on taxable wages from \$3,000 to \$3,600.

Provides that charges shall be made to the most recent employer with whom the claimant has been employed for 30 days instead of 3 weeks.

Provides that an employer who fails to file the required wage reports shall pay a contribution rate of 2.7 percent if his prior rate has been less than 2.7 percent, and 3.3 percent if his prior rate has been more than 2.7 percent.

Deletes from the definition of "wages" dismissal payments which the employer is not legally required to make.

Adopts the Federal definition of "agricultural labor" except that the term "farm" shall not include greenhouses and nurseries.

Provides that if services performed during half or more of a pay period constitutes employment, then all such services are deemed employment.

## WAGES—PREVAILING WAGES

**Ch. 72** (*Approved 3/17/61; effective 6/10/61*). Revises the law requiring payment of prevailing wages on construction of public improvements. Specifies that contracts let by any institution supported in whole or in part by public funds shall be covered. Specifies that "construction" shall include painting and decorating. Adds highways, bridges, and airports to the list of covered public improvements.

Provides that if a sufficient number of competent workers are not available in the county where the construction is to be performed, the locality for purposes of setting the prevailing wage may be extended to include the one or more adjacent counties from which workers may be obtained.

Requires the Department of Labor to determine rates on January 1 of each year. Specifies that such rates shall be in effect for bids during that year and until new rates are filed, but not longer than

15 months from publication. (Formerly, the law did not specify the frequency of new determinations.)

Provides a procedure for appeals, first for review by the department of its own determination, then to a Minimum Wage Rate Board established by this act, and then to the courts.

Sets recordkeeping requirements.

Specifies that an employee paid less than the prevailing rate may recover reasonable attorneys' fees, in addition to double the amount of underpayment.

Sets a penalty to be levied against any person who asks for or receives any part of the wages of a workman on the representation or understanding that he will help him to retain or procure employment on a public improvement.

(Repeals Art. 5-a, Ch. 21, Code of W. Va., and enacts a new Art. 5-a.)

## WAGES—WAGE GARNISHMENT

**Ch. 75** (*Approved 3/13/61; effective 6/2/61*). Exempts from wage garnishment wages in the amount of \$20, rather than \$10, a week.

(Amends Articles 5-a and 5-b, Ch. 38, Code of W. Va.)

**Ch. 11** (*Approved 6/21/61; effective 6/15/61*). Exempts from garnishment, money due a beneficiary under the State's emergency employment program enacted in 1961. (Moneys due under any workmen's compensation, unemployment compensation, pension or retirement, public assistance, or relief fund or system were already exempted from garnishment.)

(Amends sec. 12, Art. 5-b, Ch. 38, Code of W. Va.)

## WORKMEN'S COMPENSATION

**Ch. 160** (*Approved 3/17/61; effective 7/1/61*). Raises maximum weekly benefits from \$35 to \$38 for all types of disabilities. Raises from \$65 to \$75 a month (or from \$15 to \$17.31 a week) death benefits payable to a dependent widow or invalid widower, retains the additional \$20 a month for each child under 18, but raises this amount to \$25 a month (or from \$4.62 to \$5.75 a week) for an invalid child.

Newly covers loss of hearing as a schedule injury. Provides that benefits are to be paid for 60 weeks for total loss of hearing in one ear, 180 weeks for total loss of hearing in both ears, and as the Compensation Commissioner determines for partial loss of hearing.

Raises maximum medical benefits from \$1,600 to \$2,400. Retains the additional \$800 medical benefits which may be authorized by the commissioner in exceptional cases, but no longer requires the approval



of the employer for this extra benefit. Raises maximum rehabilitation expenses allowable from \$800 to \$1,200.

Revises the procedure for determining benefits for silicosis. Formerly three stages of silicosis were defined, to be compensated respectively by \$1,000, \$2,000, and by full benefits for permanent total disability. As amended, defines two stages, and provides a \$1,000 payment for the first stage, and for the second stage, benefits proportionate to the percentage of permanent disability as determined by the commissioner.

Provides that an occupational disease claim (other than silicosis) shall be made within 2 years after the last exposure. (Formerly, the time limit for accident claims, of 1 year after injury, applied also to occupational disease claims.) Retains the time limit for silicosis claims of 2 years after the last day of the last continuous exposure period of 60 days or more.

(Amends secs. 3, 6, 6-a, 8-c, 9, 10, 15, and 15-c, Art. 4, Ch. 23, Code of W. Va.)

## WISCONSIN

[Regular Session met 1/11/61; last recessed to 1/8/62]

(See also laws enacted in 1962.)

### CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 80** (*Approved 5/19/61; effective 5/23/61*). Amends the hazardous occupations provisions to permit the employment of minors under 18 on small pleasure and fish boat liveries and piers therefor. (Retains the prohibition on employment of minors under 18 in or about docks.)

(Amends W.S.A. 103.69.)

**Ch. 572** (*Approved 10/5/61; effective 10/21/61*). Authorizes State aid to school districts for the operation of summer classes. (Such classes would aid migrant children but are not limited to such children.)

(Amends W.S.A. 38.23 and adds 40.99.)

### DISCRIMINATION IN EMPLOYMENT

**Ch. 529** (*Approved 9/27/61; effective 10/10/61*). See **Wages—Equal Pay**.

### INDUSTRIAL RELATIONS

**Ch. 124** (*Approved 6/13/61; effective 6/17/61*). Provides that in the building and construction industry, where the employees in a

collective bargaining unit usually perform their duties on building and construction sites, it is not an unfair labor practice for an employer to enter into and enforce an all-union agreement with a labor organization without petitioning the Employment Relations Board to conduct a referendum vote (as is required in order for all other all-union agreements to be valid).

(Amends W.S.A. 111.06.)

**Ch. 225** (*Approved 7/11/61; effective 7/20/61*). Requires the trustees of every employee welfare fund covering any person employed in the State to register the fund with the State Insurance Commissioner. Formerly the law required registration if the fund received annual payments, other than from investments, of more than \$2,000 from an employer in the State, or if the fund together with any related fund could be called upon to provide benefits for 25 or more persons employed in the State.

Deletes the requirement that the commissioner examine funds at least once every 5 years, retaining his authority to examine funds as often as he deems necessary. Further provides that he may require a report by a certified public accountant.

Requires the trustees of a welfare fund to file an annual statement showing the condition of the fund if it covers more than 25 persons employed in the State. Formerly, such statements were required for all registered funds. Deletes the requirement that employers making payments to trustees of registered funds file an annual report respecting such payments.

(Amends W.S.A. 211.03, 211.04, 211.05, 211.08, 211.12, and 211.14.)

**Ch. 263** (*Approved 7/17/61; effective 7/22/61*). Sets a fine of up to \$200 for an employer's failure to make welfare fund payments as agreed by written contract with employee, or by collective bargaining or welfare fund agreement, within 6 weeks after due date and written notification of default.

(Adds sec. 103.86 to W.S.A.)

## MIGRATORY WORKERS

**Ch. 470** (*Approved 9/15/61; effective 9/21/61*). Requires every "person," rather than every "employer," maintaining a migrant labor camp to obtain a permit to operate the camp. Increases penalties for willfully operating without a permit.

Specifies that violation of any order closing a camp is a public nuisance and that all orders are to be enforced by the Attorney General.

(Amends W.S.A. 146.19.)

**Ch. 572** (*Approved 10/5/61; effective 10/21/61*). See **Child Labor and School Attendance**.

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 334** (*Approved 7/28/61; effective 8/5/61*). Requires registration of radiation installations with the Industrial Commission, except those licensed by the Atomic Energy Commission and those which may be exempted by regulation because without undue radiation hazard. Authorizes the commission to make such rules as necessary to administer the act.

Directs the commission to consult with the State Board of Health in establishing a registration system and to advise the board regarding the results of such registrations. Directs the commission and the board to report independently to the 1963 legislature on the results of registration and make recommendations for further regulation of radiation installations.

(Amends W.S.A. 20.440, and adds sec. 101.50.)

**Ch. 470** (*Approved 9/15/61; effective 9/21/61*). See **Migratory Workers**.

## UNEMPLOYMENT INSURANCE

**Ch. 12** (*Approved 3/23/61; effective 3/26/61*). Amends the qualifying requirement by permitting an individual who has had 14 or more but less than 18 weeks of employment in the 52 weeks preceding his unemployment to qualify if he has 55 or more weeks of employment in the 104 weeks preceding his unemployment.

Permits the 52-week benefit period to be extended by the number of weeks over 17 in which an individual receives temporary total disability under the workmen's compensation law.

Determines the "average weekly wage" by dividing the employee's weeks of employment with each employer within the 52 weeks preceding the end of the employee's most recent employment into the total gross wages paid for such employment instead of dividing his total wages by the number of weeks in which he performed some services.

Authorizes the commission to enter into an agreement with the Federal Government for the purpose of paying extended benefits.

Deems an individual ineligible for any week in which his employment is suspended or terminated because his license, which is required by law to perform his customary duties, has been suspended or revoked.

Amends the voluntary leaving provision by specifying that the cancellation of wage credits shall not apply if an individual quit his work because he was transferred to work paying less than two-thirds of his regular wage; however, he shall be disqualified for the week of leaving and the 4 following weeks.



Amends the provision under which a woman is deemed unavailable for work for 4 weeks following childbirth to specify that her ineligibility shall continue beyond such 4 weeks and until she has notified her most recent employer that she is physically able to work and available for work.

Deems an individual ineligible for any week in which he has worked substantially full time in self-employment unless he can show he has made an active and bona fide search for employment.

Amends the nonprofit exclusion to conform to the Federal exclusion.

Deletes from employment exclusions (thus extending coverage to): service in connection with the collection of dues for a fraternal beneficiary society if performed away from the home office or is ritualistic service; service for an agricultural or horticultural organization exempt from Federal income tax; and service as an athlete for an employer not subject to the Federal tax in the preceding calendar year.

Provides that dismissal or termination pay for a given week shall, for benefit purposes, be treated as wages for that week only if it becomes definitely allocated and payable for such week.

Provides that back pay for certain past weeks shall be wages for benefit purposes only when paid within 104 weeks.

### WAGES—EQUAL PAY

**Ch. 529** (*Approved 9/27/61; effective 10/10/61*). Amends the fair employment practice act to prohibit discrimination in employment because of sex. Further provides that "a differential in pay between employees based in good faith on any factor or factors other than sex does not constitute discrimination." (The fair employment act, and thus the prohibition against sex discrimination, applies to any employer except a social club, fraternal, or religious association not organized for private profit.)

(See also Chapter 628, approved January 9, 1962.

(Amends W.S.A. 111.31 and 111.32.)

### WAGES—PREVAILING WAGES

**Ch. 434** (*Approved 9/5/61; effective 9/9/61*). Amends the definition of prevailing wage rate on State work to include, in addition to the rate paid per hour, the hourly contribution for health and welfare benefits, vacations, pensions, and any other economic benefit paid directly or indirectly.

(Amends W.S.A. 103.49.)

### WORKMEN'S COMPENSATION

**Ch. 269** (*Approved 7/17/61; effective 8/1/61*). Increases the maximum average weekly earnings used in computing benefits from

\$77.14 to \$85.72 for temporary disability, permanent total disability, and death, and from \$57.14 to \$61.07 for permanent partial disability. This raises maximum weekly benefits from \$54 to \$60 for temporary disability and permanent total disability, and from \$40 to \$42.75 for permanent partial disability, and raises the weekly death benefit from \$38.57 to \$42.86, exclusive of any additional benefits for children. Raises total maximum death benefits, exclusive of additional benefits for children, from \$15,428 to \$17,144.

Provides that in cases of injury or death from exposure to ionized radiation, the claimant has a right to apply for compensation within 25 years after the injury. (A 6-year limit applies in all other cases.)

Raises from \$3,500 to \$7,000 the maximum compensation to an employee discharged or leaving employment because of nondisabling silicosis.

(Amends W.S.A. 102.03, 102.11, 102.17, and 102.565.)

**Ch. 323** (*Approved 7/28/61; effective 8/3/61*). Specifies that the same considerations, standards, and rules of decision shall apply in determining whether public employees at the time of injury were employees and were performing service growing out of and incidental to employment as apply in making similar determinations for private employees, regardless of any statutes, ordinances, or administrative regulations otherwise applicable.

(Amends W.S.A. 102.03 and 102.07.)

**Ch. 387** (*Approved 8/7/61; effective 1/1/62*). Extends compulsory coverage to farmworkers employed by farmers who, on any 20 consecutive or nonconsecutive days during a calendar year, employ 6 or more workers, whether in one or more locations. Specifies that coverage shall begin 10 days after the 20th such day.

(Amends W.S.A. 101.01, 102.04, 102.07, 331.37, and 340.01.)

## WYOMING

[Regular Session 1/10/61–2/19/61]

### STATE DEPARTMENT OF LABOR

**Ch. 202** (*Approved 2/24/61; effective 5/20/61*). Provides a procedure under which a person or business organization aggrieved by an order or decision of the Commissioner of Labor made without a hearing may request a hearing by the commissioner; also provides for appeal to the District Court from an order or decision of the commissioner given in a proceeding before him.

(Amends sec. 27–18, Wyo. Stat. 1957.)

**WORKMEN'S COMPENSATION**

**Ch. 204** (*Approved 2/24/61; effective 5/20/61*). Raises maximum temporary total benefits which had ranged from \$145 a month for a worker with no dependents to \$230 a month for a worker with four or more dependents (or \$33.46 to \$53.08 a week) to a range of \$175 to \$260 (or \$40.38 to \$60 a week). Raises benefits for certain schedule injuries. For example, for the loss of an arm above the elbow, raises the fixed sum payable from \$5,280 to \$6,000. For the loss of a leg above the knee, raises the fixed sum payable from \$4,840 to \$5,280.

Raises the total maximum for permanent total disability from \$10,000 to \$12,000, and for death, from \$8,000 to \$10,000. Retains existing additional benefits (maximum \$7,000) for dependent children. Raises maximum burial allowance from \$350 to \$600.

Directs the Legislative Research Committee to study the workmen's compensation law and report its findings to the legislature no later than September 30, 1962.

(Amends secs. 27-79, 27-80, 27-85, 27-87, 27-97, and 27-101, Wyo. Stat. 1957.)

**Ch. 208** (*Approved 2/24/61; effective 3/1/61*). Extends coverage of the workmen's compensation law to county trappers under the supervision of the United States Fish and Wildlife Service when they are paid by the predatory animal boards of the individual counties, and specifies that the assessment shall be taken out of the county predatory animal funds.

Adds a definition of "wages." Makes certain changes in the financing provisions.

(Amends secs. 27-49, 27-57, 27-64, 27-81, 27-85, 27-88, and 27-89, Wyo. Stat. 1957.)

**UNITED STATES**

[87th Congress—First Session]

**Public Law 87-6** (*Approved 3/24/61*). Temporary Extended Unemployment Compensation Act of 1961. Establishes a temporary Federal program of extended unemployment compensation for persons who exhaust benefits under State and Federal laws between June 30, 1960, and March 31, 1962. Benefits for any worker would be equal to 50 percent of the amount received in State benefits or 13 times his weekly benefit amount. Authorizes Treasury advances to be repaid by an increase for 1962 and 1963 in the Federal unemployment tax on employers of 0.4 percent on the existing wage base of \$3,000. Also



requires State agencies to provide the Secretary of Labor with information on personal characteristics, family situation, employment background, and experience of individuals entitled to benefits under the act.

**Public Law 87-7** (*Approved 3/24/61*). Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961. Authorizes a temporary program of extended railroad unemployment insurance of up to 50 percent of normal benefits and not exceeding 65 days for workers who exhaust normal benefits under the Railroad Unemployment Insurance Act between June 30, 1960, and April 1, 1962. Authorizes Treasury advances to be repaid by increased railroad contributions of 0.25 percent for 1962 and 1963.

**Public Law 87-27** (*Approved 5/1/61*). Area Redevelopment Act. Authorizes a 4-year program to help areas of substantial and persistent unemployment take effective steps in planning and financing economic redevelopment. Assistance includes loans for purchase or development of land and facilities, loans and grants for public facilities, and occupational and on-the-job training and retraining of the unemployed and underemployed, with retraining subsistence payments where needed. Requires the Secretary of Labor to make findings as to the rate of unemployment and annual rate of unemployment and authorizes him to conduct special studies, compile data, and the like as needed to determine "industrial redevelopment areas." The act also requires payment to laborers and mechanics employed by contractors or subcontractors on federally assisted projects of wages not less than those determined by the Secretary of Labor under the Davis-Bacon Act.

**Public Law 87-30.** (*Approved 5/5/61*). Fair Labor Standards Act Amendments of 1961. Extends coverage of the Fair Labor Standards Act of 1938, as amended, to approximately 3.6 million additional workers in certain enterprises engaged in commerce or in the production of goods for commerce, and increases the minimum wage to \$1.25 over a period of time.

For workers already covered by the law, increases the minimum wage from \$1 to \$1.15 an hour for the first 2 years after the effective date, and to \$1.25 thereafter.

For workers newly covered, sets a rate of \$1 for the first 3 years after the effective date; makes no provision for overtime compensation for the first 2 years, but requires overtime after 44 hours a week in the third year. Raises the rate to \$1.15 for the fourth year, with overtime after 42 hours; and provides a rate of \$1.25 thereafter, with overtime after 40 hours.

Provides for a two-step increase in existing wage orders in Puerto Rico and the Virgin Islands.

Modifies or removes some previous exemptions and adds several new exemptions. Requires the Secretary of Labor to study exemptions for employees handling and processing agricultural products, and problems involving rates of pay of employees of hotels, motels, restaurants, and other food service enterprises, and report to Congress in January 1962.

Directs the Secretary to investigate when he believes foreign competition has increased unemployment and report to the President and Congress. Makes other amendments to the act, and makes the effective date 120 days after enactment, or September 3, 1961.

**Public Law 87-31** (*Approved 5/8/61*). Temporarily extends for the period May 1, 1961 to June 30, 1962 the program of aid to dependent children under Title IV of the Social Security Act to children of unemployed parents, to the same extent as assistance is now offered because of the death, absence, or incapacity of a parent. Requires cooperating States to enter into agreements with State employment offices to assure maximum effort in returning parents to jobs and to work with vocational educational agencies in retraining unemployed parents. Increases by \$3 the maximum monthly average payments in which the Federal Government could participate on a matching basis in financing medical care under Old-Age and Survivors Insurance. Authorizes the use of money appropriated to the Department of Labor for its administration of the employment security personnel to administer the Temporary Extended Unemployment Compensation Act (P.L. 87-6).

**Public Law 87-61** (*Approved 6/29/61*). Federal-Aid Highway Act of 1961. Provides for completion of the national system of interstate highways by 1972, as originally planned, by authorizing a firm program of annual appropriations based on new cost estimates increasing the total Federal share by \$11.56 billion. Continues the provision requiring the Secretary of Labor to determine prevailing wage rates for laborers and mechanics employed by contractors or sub-contractors on initial construction of the Interstate System.

**Public Law 87-64** (*Approved 6/30/61*). Social Security Amendments of 1961. Amends the Social Security Act to improve benefits under Old-Age and Survivors Insurance and public assistance programs by: Increasing the minimum primary insurance benefits; reducing eligibility age for men from 65 to 62; providing full insurance status for persons having at least one quarter of coverage each year since 1950; increasing widow's, widower's and parent's benefits; and, increasing Federal payments for old-age assistance, aid to the blind,

and aid to the permanently and totally disabled, including medical care. Provides for an increase in tax of  $\frac{1}{8}$  of 1 percent on employers and employees, each year from 1962 through 1967, and an increase on the self-employed of  $\frac{3}{16}$  of 1 percent, rounded to the nearest tenth, to meet costs of increased benefits.

**Public Law 87-70** (*Approved 6/30/61*). Housing Act of 1961. Extends and liberalizes various Federal housing assistance programs by, among other things, authorizing approximately \$4.9 billion in new funds. Section 612(e) of Title VI amends Section 212 of the National Housing Act to make prevailing wage provisions of the National Housing Act applicable to new home improvement loan programs for multifamily housing, to moderate income rental housing programs where mortgagors are cooperatives or limited profit, and to multifamily experimental housing under new section 233.

**Public Law 87-87** (*Approved 7/14/61*). Amends the Longshoremen's and Harbor Workers' Compensation Act, as amended, to increase maximum weekly rates for disability compensation for longshoremen and harbor workers or beneficiaries from \$54 to \$70, to increase weekly wage ceiling for computation of death benefits from \$81 to \$105, and to increase the statutory maximum compensation payable for all injuries other than total disability or death from \$17,280 to \$24,000. These provisions apply to employees in the District of Columbia, as well as to longshoremen and harbor workers. (See District of Columbia.)

**Public Law 87-88** (*Approved 7/20/61*). Amends the Water Pollution Control Act to provide a more effective program of control by authorizing increased grants for administration of State water pollution control programs, construction of community waste treatment works, and development of new methods and procedures of sewage treatment and evaluation of water quality. Retains existing Federal enforcement jurisdiction over interstate and navigable waters and expands Federal authority to all navigable and coastal water upon request of a State. Continues requirement of Sec. 5(f) that laborers and mechanics employed by contractors or subcontractors constructing sewage treatment plants aided by Federal grants be paid in accordance with provisions of the Davis-Bacon Act.

**Public Law 87-137** (*Approved 8/11/61*). Provides for an additional Assistant Secretary in the Department of Labor. (The incumbent of this position is to perform functions primarily relating to the employment and utilization of women in the labor force.)

**Public Law 87-195** (*Approved 9/4/61*). Foreign Assistance Act of 1961. Repeals and generally supersedes the Mutual Security Act of 1954 and provides new basic legislation for assistance to friendly



countries, including \$1.2 billion for 1962 and \$1.5 billion for each of next succeeding 4 years for long-term financing for the economic development loan program in less developed countries. Amends the Defense Base Act to extend the workmen's compensation coverage of that act to all contracts under any successor act to the Mutual Security Act of 1954 (including this act) and permits coverage of contracts financed by development loans (heretofore excepted) upon determination of the Secretary of Labor after recommendation of any department or agency. Makes a similar amendment to the War Hazards Compensation Act.

**Public Law 87-234** (*Approved 9/14/61*). Waives time requirements relating to notice of injury and filing of claims under the Federal Employees' Compensation Act with respect to members of Army and Air National Guard who suffered disability or death from compensable causes during period August 7, 1947, to December 31, 1956, inclusive, provided the claim is filed with the Bureau of Employees' Compensation, Department of Labor, within 1 year of enactment. Requires election between Federal Employees' Compensation benefits and other benefits payable under any act of Congress by reason of the same injury or death.

**Public Law 87-255** (*Approved 9/20/61*). Amends the Federal Airport Act to authorize \$375 million over a 5-year period for grants for airport development. Continues 49 U.S.C. Sec. 1114(b) which requires that all contracts in excess of \$2,000 for work on projects approved under the act shall establish minimum rates of wages to be predetermined by the Secretary of Labor for skilled and unskilled labor.

**Public Law 87-256** (*Approved 9/21/61*). Mutual Educational and Cultural Exchange Act of 1961. Combines, expands, and strengthens five major educational and cultural exchange programs: the Fulbright Act; the U.S. Information and Educational Exchange Act of 1944; the International Cultural Exchange and Trade Fair Participation Act of 1956; the Finnish Debt Payments Act of 1949; and the Agricultural Trade Development and Assistance Act of 1954. The act generally continues present programs but sets up, in the Department of State, a Bureau of Educational and Cultural Affairs to provide coordination with U.S. foreign relations and general policy guidance for all agencies handling educational and cultural exchanges.

**Public Law 87-258** (*Approved 9/21/61*). Amends Title 28, Section 2679 of the United States Code to make the remedy of tort actions against the United States the sole remedy for the property damage, personal injury, or death resulting from the operation of a motor vehicle by a Government employee in the scope of his employment,

and to provide for the defense of the employee by the Attorney General.

**Public Law 87-285** (*Approved 9/22/61*). Amends the Railroad Retirement Act of 1937 to liberalize benefits in conformity with changes made in the Social Security Act (P.L. 87-64), including provision for retirement of male employees at age 62, even though they have less than 30 years' service.

**Public Law 87-304** (*Approved 9/26/61*). Authorizes advances of pay, compensation, allowances, and differentials for up to 30 days for civilian employees of the United States in cases of emergency evacuation within or outside the United States. Provides for advance of salary and allowances for an additional 60-day period by Presidential order. Authorizes heads of departments and agencies to establish procedures for employee allotments or assignments of compensation.

**Public Law 87-321** (*Approved 9/26/61*). Amends section 3302 of the Internal Revenue Code, relating to credits against tax, to permit a successor employer to credit against the Federal unemployment tax amounts paid on the tax by a predecessor employer within the first 20 weeks of a year when the business was transferred or merged. It is designed to prevent imposition of double tax because of a technical deficiency in the Federal law.

**Public Law 87-328** (*Approved 9/27/61*). Delaware River Basin Compact. Creates by intergovernmental compact between the United States, Delaware, New Jersey, New York, and Pennsylvania, a regional agency for planning, conservation, utilization, development, management, and control of the water and related natural resources of the Delaware River. Provides that all laborers and mechanics employed by contractors or subcontractors in construction, alteration, repair, including painting and decorating, or projects, buildings, and works undertaken by the commission or financially assisted by it be paid wages at rates not less than those determined by the Secretary of Labor under the Davis-Bacon Act.

**Public Law 87-344** (*Approved 10/3/61*). Extends aid to school construction in federally impacted areas for 2 years and authorizes an additional \$20 million for this purpose. Continues the provision (Sec. 636) requiring rates of pay for laborers and mechanics engaged in any construction aided under the act to be no less than prevailing wages as determined by the Secretary of Labor under provisions of the Davis-Bacon Act.

**Public Law 87-345** (*Approved 10/3/61*). Amends Title V of the Agricultural Act of 1949, as amended, to extend the Mexican farm labor program until December 31, 1963. Revises provisions to pro-

hibit employment of Mexican farmworkers in other than temporary or seasonal employment except in specific cases when found necessary by the Secretary of Labor to avoid undue hardship. Prohibits employment in the operation or maintenance of power-driven harvesting, planting, or cultivating machinery. Exempts workers recruited under the act from Federal or State taxes to provide illness or disability benefits.

**Public Law 87-380** (*Approved 10/4/61*). Amends the War Hazards Compensation Act to increase by 15 percent, effective after enactment, the monthly disability and death compensation payable under the War Hazards Compensation Act to persons employed by contractors with the United States, or persons employed by the United States outside the United States.

**Public Law 87-391** (*Approved 10/4/61*). Clarifies and reenforces the reemployment rights of members of the Armed Forces under the Universal Military Training and Service Act by permitting an additional 4-year period of service for reemployment rights purposes for active duty performed after August 1, 1961. Removes the requirement that persons rejected for any type of military service must request leave of absence from the employer to take physical fitness examinations, and insures that those who are called for preinduction examination will retain their employment status pending final decision on their induction.

**Public Law 87-395** (*Approved 10/5/61*). Community Health Services and Facilities Act of 1961. Amends the Public Health Service Act to assist in expansion and improvement of community facilities and services for the health care of the aged and others by increasing authorization of appropriations for public health services, special project grants, construction of nonprofit nursing homes, and construction of hospitals and other medical facilities. Applies the Davis-Bacon Act provisions to any construction projects under the research grant program, and continues such provisions with respect to construction of hospitals and medical facilities under the Hill-Burton Act.



***Part II***

**Annual Digest**

**Laws Enacted in 1962**



## INTRODUCTION

**T**HE YEAR 1962 saw legislative sessions convened in 21 States, with a 22d State, Wisconsin, meeting in an extension of its 1961 session. Eight were budget sessions or were restricted to limited subject areas. However, several States enacted labor laws in areas where they did not have legislation before, and improvements were made in existing laws by a number of States.

Legislation newly enacted included prohibition of age discrimination in employment in New Jersey; authority for regulation of migrant labor camps in Rhode Island and Virginia; general safety rulemaking authority in Virginia; a prevailing wage law in Delaware; and an equal pay law in Arizona. In another area of current interest, New York and West Virginia enacted laws dealing with employment problems of school dropouts.

State legislative activity in the field of industrial relations took several directions: laws in four States concerning the labor relations rights of public employees; prohibition or regulation of strikebreaking activities in three States; and prohibition in five States on payments to unions for the "piggyback" rail transportation of vehicles.

Cash benefits under workmen's compensation laws were increased in eight States. One State extended coverage to radiation disability. Three States raised unemployment benefit amounts, and Rhode Island raised weekly benefits under its temporary disability insurance law. The maximum duration of unemployment insurance benefits was extended in the District of Columbia and Virginia.

Worker safety legislation continued to reflect special interest in control of radiation hazards: three States took such action, and five States acted on other types of hazards. Of particular interest were the authority for general safety rulemaking in Virginia and for construction safety in New Jersey.

Virginia enacted a comprehensive revision and strengthening of many of its labor laws.

**Apprenticeship.**—Maryland enacted an apprenticeship law. Discrimination in apprentice and other training programs was prohibited as an unlawful employment practice in New Jersey and New York.



**Child Labor and School Attendance.**—Amendments in several States affected certain children working at night or employed in theatrical performances or similar work. In Arizona, girls 16 and 17 years of age who are vocational education students may now work until 9 p.m. rather than 7 p.m., and in Louisiana, girls of 16 and 17 who are enrolled in distributive education courses may work until 8:30 rather than 7 p.m., for 3 nights a week only. Massachusetts authorized the participation of children under 15 in fashion shows. New Jersey set up standards for employment of children in theatrical performances, applicable throughout the year; former standards were applicable only during vacation. New York adopted provisions for the employment of child models.

New York and West Virginia took steps to aid school dropouts. One New York law provided for training and counseling programs for young people under 21 who are not in school and have not found jobs. Another authorized school-work programs for 15-year-old students identified as potential dropouts. In West Virginia, an experimental program was set up for one county, with compulsory job training for unemployed boys of 16 and 17 who had dropped out of high school. Reports to the Governor and certain legislative committees on the results of this program will be a basis for recommendations to the 1963 legislature on whether the program should be extended or dropped.

**Discrimination in Employment.**—An amendment to the New York fair employment practice act specifically prohibited discrimination because of race, creed, color, or national origin in apprentice training or other training or retraining programs. The New Jersey law against discrimination was amended to prohibit discrimination by labor organizations in apprentice or other training programs.

**Emergency Relaxations.**—Massachusetts extended for another year, and New York for 3 years, their laws permitting relaxation of certain labor laws during emergencies.

**Hours of Work.**—Virginia, among other changes in its women's hours laws, extended coverage to "any business establishment" instead of the specified industries covered before. Certain additional employments were exempted, including employment as a registered technician or as a practitioner of a profession regulated by the State. The Arizona women's hours law was also amended to exempt employees in certain intellectual, managerial, or creative work and those licensed or certified by the State and engaged in the practice of law, medicine, dentistry, architecture, engineering, or accounting. A re-

quirement was placed in the Rhode Island law that at least 8 hours must elapse between the end of one work period and the beginning of a new one on a subsequent calendar day.

**Industrial Homework.**—The Massachusetts law was amended to prohibit industrial homework on outer and undergarments except hosiery and women's millinery.

**Industrial Relations.**—One group of laws in this field concerned the prohibition or regulation of strikebreaking practices, continuing a trend of last year. Louisiana prohibited the importation of strike-replacement labor by any person not directly involved in a labor dispute; it also prohibited the hiring and recruitment of strike-replacements, whether or not imported, by persons whose usual business is the furnishing of strikebreakers. Michigan prohibited the employment of professional strikebreakers and the referral or hiring of strike-replacements without notice that there is a labor dispute. In Massachusetts, where importation of strikebreakers was required to be reported but was not prohibited, the law was tightened to permit only the employer directly involved in the dispute to recruit or bring in strike-replacements from outside the State, and he must file specified information with the labor commissioner.

Another group of laws prohibited payments to unions, or acceptance of payments by unions, for rail transportation of motor vehicles capable of being moved on the highways. Such laws were enacted in Georgia, Kentucky, Mississippi, South Carolina, and Virginia.

A third group, also continuing a recent trend, dealt with the rights of public employees in the employer-employee relationship. A Georgia act was limited to the prohibition of strikes by State employees. Massachusetts, New York, and Wisconsin, on the other hand, took action for adjustment of differences. Massachusetts authorized the Massachusetts Turnpike Authority and other specified authorities to enter into collective bargaining agreements with their employees concerning wages, hours, and working conditions, and required arbitration of grievances and disputes. A New York law required counties, cities, and other political subdivisions with 100 or more full-time employees to establish grievance procedures covering employment conditions such as health and safety, physical facilities, and supervision. New York City is not covered by this law; labor relations procedures for most of its employees are provided by an executive order of the Mayor issued in 1958. Wisconsin, amending its 1959 law on the organizational rights of municipal employees, made applicable to municipal employment substantially the same procedures already in effect for private employment for the

prevention of unfair labor practices and the determination of representation. The State Employment Relations Board is to mediate disputes between municipal employees and their employers.

The Governor of Massachusetts was authorized to seize and operate public transportation lines of the Metropolitan Transit Authority under certain emergency conditions.

**Migratory Workers.**—Migrant labor camp legislation enacted in Virginia required annual permits for operation of labor camps, set housing and sanitation standards, and gave the State Board of Health rulemaking and inspection authority. In Rhode Island, the health department's authority for sanitation rulemaking, licensing, and inspection of living accommodations was extended to cover living accommodations of migratory workers.

A legislative interim Committee on Migrant Labor was created in Texas to hold public hearings on needs of migratory workers and other migrant labor problems. Study programs on migrant labor problems in Colorado and New York were continued, and a study was authorized in California of the possibility of using low-cost mobile homes for migrant farmworkers.

**Occupational Health and Safety.**—In Virginia, a reconstituted Safety Codes Commission was given general safety rulemaking authority. Statutory standards were set for construction safety, and the commission was directed to adopt additional regulations for this industry and also for the use and storage of blasting agents.

In New Jersey, a construction safety act applicable to construction, demolition, excavation, and compressed-air work repealed various statutory provisions and authorized the labor commissioner to issue new regulations in this field. A construction safety council was created, empowered to disapprove such regulations and to advise the commissioner on safety matters.

Several enactments related to control of radiation hazards. These included rulemaking authority, and provision for licensing or registration of radiation sources, in Louisiana and South Carolina, and authority in these two States and Maryland for Federal-State agreements for transfer to the States of certain responsibilities for radiation control. This makes 17 States which have authorized such agreements.<sup>1</sup> They have been concluded in California, Kentucky, Mississippi, and New York. Kentucky created an atomic energy authority to assist in establishing atomic energy facilities and in discharging new responsibilities for radiation control. Georgia, Mississippi, and

---

<sup>1</sup> Arkansas, California, Florida, Idaho, Indiana, Kentucky, Louisiana, Maine, Maryland, Mississippi, New Jersey, New York, Oregon, South Carolina, Tennessee, Texas, Washington.



Virginia joined the Southern Interstate Nuclear Compact. Eleven<sup>2</sup> of the 16 States eligible have now joined.

**Older Workers.**—The New Jersey law against discrimination was amended to add a prohibition against age discrimination, thus making 16 jurisdictions which now bar employment discrimination because of age.<sup>3</sup> Coverage of the Massachusetts prohibition was extended to employees of the State and its subdivisions. The Rhode Island law was amended to prohibit discrimination by employment agencies; formerly, it applied only to employers and labor organizations. In Virginia, the Advisory Legislative Council was directed to make a study and report to the Governor and the 1963 legislature on the need for laws and employment programs for older workers.

**Private Employment Agencies.**—The New York and Virginia laws were strengthened. Among the changes in Virginia were requirements for annual licensing, more extensive recordkeeping, and written agreements between the job applicant and the agency on fees charged. In New York, domestic workers recruited from outside the State were given additional protection; among other things, the amendments specified the information that must be given the individual in writing before he comes into the State, and provided longer periods for payment of the agency fee and transportation costs. Mississippi repealed its provision that formerly required agents soliciting laborers for employment outside the State to pay a \$500 annual tax for each county in which they did business.

**State Department of Labor.**—A comprehensive revision of a considerable part of the Virginia labor laws authorized the labor commissioner to enforce all labor and mining laws rather than specified ones, to issue rules for their enforcement, and to enter and inspect any business establishment instead of any factory, store, workshop, laundry, mine, or State institution. Amendments to specific laws relating to hours of work, occupational health and safety, private employment agencies, and wage payment and wage collection are discussed under those topics.

**Temporary Disability Insurance.**—Rhode Island increased the maximum weekly benefit amount from \$36 to 50 percent of the average weekly covered wage in the preceding calendar year. In addition,

---

<sup>2</sup> Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, Texas, Virginia.

<sup>3</sup> Alaska, California, Colorado, Connecticut, Delaware, Louisiana, Massachusetts, New Jersey, New York, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Washington, Wisconsin.

Rhode Island amended the definition of dependent to include children under 18, instead of under 16.

**Training and Retraining.**—Alaska and Delaware this year added provisions to their unemployment insurance laws, similar to provisions adopted by eight States in 1961, allowing benefits to otherwise eligible workers who are attending approved training courses. In the District of Columbia, the scope of the disqualification for refusal to attend a recommended training course was expanded by making it applicable to all individuals instead of only to those under 21. New Jersey and New York authorized their labor commissioners to enter into agreements with Federal agencies in connection with the establishment of training and retraining programs qualifying for Federal aid. In Michigan, a special interim committee was set up to study equal employment opportunities, formulate job retraining programs, and improve training programs for minority groups.

**Unemployment Insurance.**—Five States made significant changes in their benefit and/or experience-rating provisions.

*Coverage.*—The most significant coverage provision was enacted in Puerto Rico where a special program was established for workers in the agricultural phase of the sugarcane industry. Four States (Alaska, Kentucky, Massachusetts, and Virginia) and Puerto Rico extended coverage to services performed for Federal instrumentalities, feeder and nonprofit organizations or aircraft employment, which were covered under the Federal Unemployment Tax Act as a result of the 1960 amendments.

*Weekly benefit amount.*—Changes in the weekly benefit amount were made in the District of Columbia, Kentucky, and Virginia. The maximum amount was increased in the District of Columbia by enactment of a "flexible maximum" benefit provision. Kentucky and Virginia increased both the minimum and maximum weekly benefit amounts.

*Duration.*—In the District of Columbia, the maximum weeks of benefits was increased to 34 and the duration fraction to one-half, thereby increasing the minimum duration to approximately 17 weeks. Virginia increased the maximum number of potential weeks to 24 and the minimum to 10 weeks.

*Qualifying requirements.*—Virginia increased its minimum qualifying requirement to \$450 and now requires 38 times the weekly benefit amount at all levels other than the minimum. The District of Columbia added a provision requiring a claimant who has received benefits in a preceding benefit year to have earned at least 10 times his weekly benefit amount in order to qualify for benefits in the immediately following benefit year.

*Availability.*—Alaska and Delaware amended their availability provisions by providing that an individual shall not be considered unavailable for work while attending, under specified conditions, certain vocational training courses approved by the director of the employment security agency. Existing retraining provisions were modified in the District of Columbia and New York.

*Disqualifications.*—Three States and the District of Columbia made changes in their disqualification provisions. Virginia increased the disqualifications for voluntary leaving, misconduct, and refusal of suitable work from 7 consecutive weeks to the duration of the employment and until the individual has worked at least 30 days for an employing unit. Kentucky increased the penalty for voluntary leaving from a maximum of 16 weeks to the duration of the unemployment. Mississippi and Virginia made changes in their fraud provisions. The District of Columbia, Mississippi, and Virginia amended their laws so as to reduce a claimant's weekly benefit amount by the amounts of income he received from other specified sources.

*Financing.*—The most significant change in financing provisions occurred in Arizona where the qualifying period for reduced rates was decreased as permitted by the 1954 amendments to the Federal Unemployment Tax Act. Two other States, Rhode Island and Virginia, amended their experience-rating provisions by exempting certain employers from being charged for benefits paid to claimants formerly in their employ. The District of Columbia added a provision for voluntary contributions.

**Wage Standards.**—Statutory minimum wage rates were raised in five States—Alaska, Hawaii, Massachusetts, New York, and Rhode Island. Four of the States raised the rate from \$1 to \$1.15, to advance later to \$1.25, and Alaska also provided a two-step increase by raising the rate from \$1.50 to "50 cents an hour greater than the prevailing Federal minimum." This trend for a two-step increase was begun last year, when rates under the Connecticut and Washington laws, as well as the basic rate under the Federal act, were raised from \$1 to \$1.15 for the first increase and to \$1.25 for the second. The \$1.25 rates became effective in Washington State in January 1962, will take effect in 1963 in Connecticut, Massachusetts, Rhode Island, and under the Federal law, and in 1964 in Hawaii and New York.

In Hawaii, coffee harvesters were exempted from the minimum wage law.

The wage payment law in Virginia was amended in several respects, including extension of coverage to any business establishment rather than specified establishments, and granting of authority to the labor commissioner to sue for and collect unpaid wages.



An equal pay law was enacted in Arizona. The Michigan equal pay law was made applicable to any employer, instead of only employers in manufacturing.

Delaware enacted a prevailing wage law, under which the labor commissioner is to determine prevailing rates on public works contracts in excess of \$2,000 for which the State has appropriated funds. A Kentucky enactment authorizing the labor commissioner to set rates for public works construction in accordance with a number of specified criteria replaced former provisions held inapplicable by the courts in certain cases where union rates in the locality did not cover enough workers to be considered prevailing rates.

**Workmen's Compensation.**—Cash benefits were increased in eight States this year by law, and in an additional State, Connecticut, through a provision enacted in 1959 tying their benefit rate to the State's average production wage. In New York and Virginia, maximum weekly benefits were raised for all types of disability and death; in Maryland, for total disability and death; in Kentucky and New Jersey, for all types of disability; and in Rhode Island, for schedule injuries. Massachusetts extended the benefit periods for all schedule injuries except those involving the eyes. Alaska raised its burial allowances.

The weekly benefit increases ranged from \$2 to \$8 a week. Maximum temporary total disability benefits of \$55 or more a week are now payable in 16 jurisdictions; \$40 or more but less than \$55, in 16; and less than \$40, in 20 jurisdictions.<sup>4</sup>

Alaska imposed a time limit on medical benefits of 2 years from the injury (formerly unlimited) but authorized additional benefits at the discretion of the Workmen's Compensation Board.

Some extensions of coverage were made this year in about half a dozen States. In the Mississippi law, which provides benefits for accidental injury or death, the definition of "injury" was extended to include disability or death due to ionizing radiation, with the date of disablement treated as the date of accident. Five States extended coverage to certain public employees or provided that certain workers will be eligible for benefits as are public employees. Rhode Island made "permanent facial disfigurement" compensable. Virginia made infectious or contagious diseases compensable when contracted in a public health laboratory, as well as in a hospital or sanitarium as formerly.

---

<sup>4</sup> \$55 or more: Alaska, Arizona, California, Connecticut, District of Columbia, Hawaii, Illinois, Massachusetts, Michigan, Nevada, New York, North Dakota, Oregon, Washington, Wisconsin, Wyoming.

\$40—\$55: Colorado, Delaware, Florida, Idaho, Iowa, Maryland, Minnesota, Missouri, Montana, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Utah, Vermont.

Less than \$40: Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Mississippi, Nebraska, New Mexico, North Carolina, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia.

Alaska, Kentucky, and Virginia added new restrictions on their time limits for filing claims. Virginia set a limit of 5 years after last exposure, but exempted radiation and other specified slowly developing diseases from this limitation. Alaska set a limit of 4 years after the date of injury, but this does not apply to occupational diseases. Kentucky barred all occupational disease claims unless filed within 5 years after last exposure.

**Federal Legislation.**—One of the most important enactments of this session was the Manpower Development and Training Act of 1962, designed to provide adequately trained manpower for the new demands of industry and to train or retrain workers who are unemployed or underemployed. Among other things, the United States Secretary of Labor is authorized to enter into agreements with States and provide weekly training allowances for participants in training programs.

Grants were authorized to aid public and nonprofit health agencies in providing health services to domestic migratory agricultural workers and their families.

The Work Hours Act of 1962 repealed the various "Eight Hour Laws" applying to certain Federal and federally assisted contracts and substituted a uniform standard of an 8-hour workday and a 40-hour workweek, with time and one-half the basic rate of pay required for work in excess of these hours.

The Welfare and Pension Plans Disclosure Act was strengthened by granting investigative and enforcement powers to the Secretary of Labor and providing more effective procedures to secure compliance in safeguarding welfare and pension funds.

## ALASKA

[Regular Session 1/22/62-4/12/62]

### UNEMPLOYMENT INSURANCE

**Ch. 13** (*Approved 2/28/62; effective 5/29/62*). Provides that employees shall pay the standard rate (0.6 percent) instead of the highest rate (0.9 percent) whenever their employer fails to pay contributions timely or fails to file timely reports.

**Ch. 64** (*Approved 4/7/62; effective 4/8/62*). Provides that an otherwise eligible individual shall not be denied benefits because he is attending a training or retraining course with the approval of the Employment Security Division, or because, while attending the course, he is not available for work or refuses an offer of work.

**Ch. 87** (*Approved 4/11/62; effective 7/1/62*). Extends coverage to certain services for fraternal beneficiary societies and certain services by students, which were covered under the Federal Unemployment Tax Act by the 1960 Social Security amendments. However, broadens exclusion for services in employ of certain tax-exempt organizations employing less than four employees in 20 weeks, by excluding those with remuneration of less than \$250 instead of less than \$50.

**Ch. 156** (*Approved 4/19/62; effective 4/20/62*). Provides that employee contributions on wages in excess of the first \$7,200 earned in a calendar year, due either to an error on the part of the employer in deducting such contributions or to employment of the employee with more than one employer, shall be refundable on application filed by the employee during the immediately following calendar year.

## WAGES AND HOURS—ALL WORKERS

**Ch. 2** (*Approved 2/13/62; effective 2/14/62*). Amends the statutory minimum wage provision to require the payment of a rate of not less than "\$.50 an hour greater than the prevailing Federal Minimum Wage Law." (Formerly, the rate was \$1.50 an hour.)

Exempts from the act persons under 18 employed on a part-time basis if they are employed not more than 30 hours, rather than 20 hours, a week.

Deletes the requirement for special certificates for employment of handicapped workers, apprentices, and learners at subminimum rates. Retains the labor commissioner's authority to issue regulations governing employment of such persons at subminimum rates.

(Amends Ch. 171, Laws of 1959.)

**Ch. 3** (*Approved 2/13/62; effective 2/14/62*). Deletes from the overtime provision the blanket exemption for employees if they are exempted from certain provisions of the Fair Labor Standards Act; and adds a number of specific exemptions similar to those under the Fair Labor Standards Act. Adds exemptions from the overtime provision for employers with fewer than 4 employees, employees of nonprofit hospitals, and casual employees; and makes the partial exemption for small mining operations applicable where not more than 12, rather than 8, persons are employed.

(Amends Ch. 171, Laws of 1959.)

## WORKMEN'S COMPENSATION

**Ch. 1** (*Approved 2/7/62*). Requires that every insurer or self-insurer shall provide claims facilities through its own staffed adjusting facilities within the State of Alaska, or by independent, licensed, resident adjusters, with power to effect settlement within the State.



**Ch. 9** (*Approved 2/26/62; effective 5/26/62*). Raises maximum funeral benefits from \$500 to \$1,000.

(Amends sec. 8, Ch. 193, Laws of 1959.)

**Ch. 42** (*Approved 3/29/62; effective 6/29/62*). Sets a 2-year limit from date of injury on medical benefits but authorizes additional benefits if ordered by the Workmen's Compensation Board. Further provides that if the condition is a latent one, the 2-year period shall run from the time the employee has knowledge of the nature of his disablement and its relation to employment and after disablement.

Adds a proviso to the time limit for filing a disability claim (2 years after knowledge) that if the claim does not arise from an occupational disease, it must be filed within 4 years after the injury. Further provides, however, that in cases of latent defects, the employee's right to claim shall be determined by the board, regardless of time limitations.

Suspends employer payments into the subsequent injury fund when the balance reaches \$200,000, rather than \$100,000.

(Amends secs. 4, 6, 7, 12, and 30, Ch. 193, Laws of 1959, and sec. 32 of such law as amended by Ch. 117, Laws of 1960.)

**Ch. 77** (*Approved 4/9/62; effective 4/10/62*). Deletes from the act relating to the fund for the care of sick and disabled fishermen the provision which made fishermen ineligible for benefits if they are entitled to benefits under the workmen's compensation act or under any Federal act.

(Amends Ch. 100, Laws of 1951.)

**Ch. 148** (*Approved 4/18/62; effective 7/18/62*). Permits an executive officer of a corporation to waive coverage under the act, subject to approval of the Commissioner of Labor.

(Amends sec. 2, Ch. 193, Laws of 1959.)

## ARIZONA

[Regular Session 1/8/62–3/22/62]

### CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 74** (*Approved and effective 3/21/62*). Permits girls aged 16 or older to be employed until 9 p.m. if enrolled in a class complying with the standards of the Arizona State plan for vocational education. Provides for expiration of this act on July 31, 1964.

(Adds sec. 23.244.01 to A.R.S.)

## HOURS OF WORK

**Ch. 123** (*Approved 3/27/62; effective 6/21/62*). Amends the law limiting hours of employment for women to 8 a day and 48 a week. Reduces the overall period in which 8 hours may be worked from 13 to 12 consecutive hours. Extends exemptions from coverage of the law to employees engaged in predominately intellectual, managerial, or creative work which requires discretion and independent judgment and for which remuneration is not less than \$80 per week, and to employees licensed or certified by the State and engaged in the practice of law, medicine, dentistry, architecture, engineering, or accounting.

Defines "week" as any period of 7 consecutive days and "day" as any period of 24 consecutive hours.

Increases the fine for violation from not less than \$25 to not less than \$50.

(Amends A.R.S. sec. 23-281.)

## UNEMPLOYMENT INSURANCE

**Ch. 81** (*Approved 3/22/62; effective 7/1/62*). Effective for rate years beginning January 1, 1963, reduces from 3 years to 1 year the period of chargeability required for a new employer to qualify for a reduced rate. This provision does not apply to an employer whose account has been chargeable with benefits for at least 3 years.

## WAGES—EQUAL PAY

**Ch. 23** (*Approved 3/14/62; effective 6/21/62*). Prohibits any employer from paying any female in his employ at wage rates less than the rates paid to male employees in the same establishment for the same quantity and quality of work. Provides that a variation of rates of pay for males and females engaged in the same classification of work is not prohibited when based upon a difference in seniority, length of service, ability, skill, difference in duties or services performed, whether regularly or occasionally, difference in the shift or time of day worked, hours of work, or restrictions or prohibitions on lifting or moving objects in excess of specified weight, or other reasonable differentiation, factor, or factors other than sex, when exercised in good faith.

Provides for civil action, by a female receiving less than the wage to which she is entitled, to recover the balance of such wages, together with the costs of suit, notwithstanding any agreement to work for a lesser wage.

Provides that a female employee may register a complaint with the commission, and that the commission shall take all proceedings necessary to enforce payment of any sums found due and unpaid.

Places the burden of proof upon the person bringing the claim that the differentiation in rate of pay is based upon sex and not upon other differences, factor, or factors.

Limits the period in which action may be instituted to 6 months after the date of the alleged violation. Makes the employer liable for any pay due for not more than 30 days prior to his receipt of written notice of claim from the female employee.

## CALIFORNIA

[Regular Session 2/5/62–4/3/62]

[First Special Session 3/7/62–4/13/62]

### MIGRATORY WORKERS

**S. Res. 38** (*Adopted 4/2/62*). Calls for study by a legislative factfinding committee of the feasibility of privately owned mobile trailer homes for migrant farmworkers and of a State program to assist in financing such trailers and trailer parks. Requests the Departments of Employment, Industrial Relations, and Agriculture to cooperate in the study.

### OCCUPATIONAL HEALTH AND SAFETY

**Ch. 18** (*Approved 4/11/62; effective 7/13/62*). Ratifies the agreement between the United States Atomic Energy Commission and the State of California under which regulatory responsibility for control of radiation hazards in California is transferred from the Federal Government to the State Government, with stated exceptions.

(Adds secs. 25875 and 25876 to the Health and Safety Code.)

### WORKMEN'S COMPENSATION

**Ch. 43** (*Approved 4/19/62; effective 7/13/62*). Provides that persons confined in a county jail, industrial farm, or road camp who are required to engage in the prevention or suppression of forest, brush, and grass fires and are injured or killed while so working shall be considered employees of the county for purposes of workmen's compensation.

(Amends sec. 4017, Penal Code.)



## COLORADO

[Regular Session 1/3/62-2/15/62]

### CHILD LABOR AND SCHOOL ATTENDANCE

**H. J. Res. 3** (*Adopted 1/16/62*). Directs the legislative council to make a thorough study of all laws and constitutional provisions pertaining to school attendance and child labor, with special emphasis on the relation between them. Notes that there are inconsistencies between the school attendance and child labor laws, and that these provisions have not been substantially reexamined or modified since original adoption.

Authorizes the expenditure of up to \$1,500 for this study, and requests the council to make its final report to the 1963 legislature, including recommendations for revisions in the laws.

### MIGRATORY WORKERS

**H. J. Res. 4** (*Adopted 1/16/62*). Continues the legislative council study of migratory labor problems, authorized in 1961. Authorizes an appropriation of up to \$5,000 for 1962 expenditures, and directs the council to report its findings and recommendations to the 1963 legislature.

## DELAWARE

[Regular Session 2/6/62-11/6/62]

### UNEMPLOYMENT INSURANCE

**H. 471** (*Approved and effective 4/25/62*). Permits the payment of benefits to individuals enrolled in and regularly attending an approved training course. Such an individual would not be disqualified for refusing an offer of suitable work if the acceptance of such an offer would prevent him from completing the course.

### WAGES—PREVAILING WAGES

**Ch. 380** (*Approved 5/16/62; effective 6/16/62*). Requires that every public works contract in excess of \$2,000 for which the State has appropriated any part of the funds shall contain a statement of the prevailing wages to be paid the various classes of laborers and mechanics, as determined by the Department of Labor and Industrial Relations. Provides that determination of the prevailing wage shall be based on the average of actual wages paid a majority of the employees engaged in comparable work in the county.

Requires payment of wages at least once a week in full, unconditionally, at not less than the rates stated in the specifications, and without

subsequent deduction or rebate. Requires posting at the site of the scale of wages to be paid. Provides for withholding accrued payments from the contractor whenever necessary to pay to workers the difference between wages received by them and wages required to be paid.

Repeals former provisions which required specifications for public works contracts to state minimum wages which may be paid, set a penalty for failure to pay such wages, and required payment in full once a week.

(Repeals 29 Del. C., secs. 6913, 6914, and 6915, and enacts a new sec. 6913.)

## WORKMEN'S COMPENSATION

**Ch. 381** (*Approved 5/16/62*). Sets a maximum on attorney's fees to be allowed a successful claimant and assessed against employer, of the smaller of 30 percent of the award or \$500, subject to approval of the Industrial Accident Board.

(Amends 19 Del. C., sec. 2127.)

## DISTRICT OF COLUMBIA

[87th Congress—Second Session]

## UNEMPLOYMENT INSURANCE

**Public Law 87-424** (*Approved 3/30/62; effective 4/1/62*). Effective for benefit years beginning April 1, 1962, increases the maximum weekly benefit amount from \$30 to 50 percent of average weekly covered wage, exclusive of Federal employees' earnings, computed annually. Such average wage will be computed for each 12-month period ending June 30, and the maximum benefit based on such wage will be effective for the following calendar year. (The maximum for that part of 1962 which commences with the effective date of the bill will be \$48.) Substitutes a 2-step stepdown provision for the current unlimited one.

Provides that lag-period wages may be used for a subsequent benefit year only if an individual earns, after the beginning of his first benefit year, 10 times his weekly benefit amount in such first benefit year.

Increases maximum duration from 26 to 34 weeks, and the duration fraction from one-third to one-half of base-period wages.

Adds a provision reducing benefits by retirement or annuity payments (other than disability and Old-Age and Survivors Insurance) received under a public or private plan to which any base-period employer contributed.

Expands the scope of the disqualification for refusal to attend a recommended training or retraining course by making this provision applicable to all individuals instead of only to those under 21. Adds a provision that trainees attending approved courses shall be considered otherwise eligible despite the availability-for-work and refusal-of-work provisions.

Extends coverage to nonprofit organizations which are organized for scientific, literary or educational purposes.

Permits an employer to pay voluntary contributions.

**Public Law 87-705** (*Approved 9/27/62*). Beginning January 1, 1963, permits certain nonprofit employers to qualify for reduced rates on the basis of 1 year's experience rather than the normal 3 years required of all other employers.

## GEORGIA

[Regular Session 1/8/62-2/16/62]

### INDUSTRIAL RELATIONS

**Act 718** (*Approved and effective 2/28/62*). Makes it unlawful for any carrier or shipper of property to pay or agree to pay to or for the benefit of a labor organization any charge by reason of transportation by railroad of motor vehicles or trailers which are capable of being moved on the highway. Also makes it unlawful for any labor organization to accept any such payment. Makes violation of the law a misdemeanor.

**Act 730** (*Approved and effective 3/3/62*). Prohibits State employees, including appointees, from promoting, encouraging, or participating in a strike. Defines strike to include a deliberate slowdown. Penalizes State employees who violate the act by termination of employment, forfeiture of civil service status and job rights, and a 3-year prohibition on State employment except on a probationary basis with wage increases barred. Prohibits supervisors of State employees from authorizing, approving, or consenting to such a strike. Also provides that any person who is not a State employee and who knowingly incites or influences a State employee to strike shall be deemed guilty of a misdemeanor, punishable by imprisonment up to 1 year, or a fine of \$100 to \$1,000, or both.

(Adds secs. 89-1301 through 89-1304 and 89-9917, Ga. Code Ann.)

### OCCUPATIONAL HEALTH AND SAFETY

**Act 837** (*Approved and effective 3/3/62*). Provides for the entrance of Georgia into the Southern Interstate Nuclear Compact.



The compact declares that the proper employment of nuclear energy can assist substantially in the industrialization of the South, and that optimum benefit from an acquisition of nuclear resources and facilities requires systematic encouragement, guidance, and assistance from the party States on a cooperative basis.

The compact specifies that any or all of 16 named southern States are eligible to join the compact, which is to become effective when enacted by seven States. It creates the Southern Interstate Nuclear Board, composed of one member from each party State, provides for the financing of the board's budget by appropriation from each party State, and authorizes the board to establish advisory and technical committees as it may deem necessary.

The compact empowers the board, among other things, to encourage the development and use of nuclear energy facilities; conduct programs of training for State and local personnel engaged in nuclear industry, medicine, education, or formulation of safety measures; study and recommend changes in industrial, health, safety, and other laws, regulations, and administrative practices of the party States; and act as licensee of the United States Government or any party State with respect to the conduct of research activity. It provides that nothing in the compact shall permit the board to exercise any regulatory authority, or own or operate any nuclear reactor for the generation of electric energy, or own or operate any installation for commercial purposes.

## HAWAII

[Regular Session 2/21/62-4/17/62]

### WAGES AND HOURS—ALL WORKERS

**Act 15** (*Approved and effective 5/17/62*). Exempts from all provisions of the wage and hour law, employees during any workweek they are engaged in coffee harvesting.

(Amends sec. 94-2, Rev. Laws 1955.)

**Act 16** (*Approved and effective 5/17/62*). Raises the statutory minimum wage rate from \$1 to \$1.15 an hour effective July 1, 1962, and to \$1.25 an hour beginning January 1, 1964.

Adds to the categories of workers who may be employed under special certificate at rates below the statutory minimum, part-time employees who are full-time students enrolled in schools other than in colleges, universities, or business or technical schools.

(Amends secs. 94-3 and 94-9, Rev. Laws 1955.)

**Act 19** (*Approved 5/17/62; effective 7/1/62*). Retains the exemption for employees who are subject to the Fair Labor Standards

Act, but provides that if, under the Federal act, the minimum wage is less than the State's statutory minimum, then the rate set by the State law shall apply to such employees. Provides also that if the Federal act allows a longer workweek than the State law before overtime pay begins, the State standard shall apply; but specifies that the employee's regular rate for the purpose of determining overtime pay shall be his regular rate as determined under the Federal act.

Revises the provision which grants partial overtime relief to include employers engaged in the first processing, packing, or canning of fresh fruits.

(Amends secs. 94-2 and 94-4, Rev. Laws 1955.)

## KANSAS

[Regular Session 1/9/62-2/8/62]

### OCCUPATIONAL HEALTH AND SAFETY

**Ch. 35** (*Approved 1/29/62; effective 7/1/62*). Raises the annual boiler inspection fees from a range of \$6 to \$50 to a range of \$9 to \$75, scaled according to horsepower.

Raises the annual inspection fee from \$20 to \$30 for tanks, jacket kettles, steam stills, and any other reservoirs, fired or unfired, having pressures in excess of 150 pounds per square inch.

(Amends sec. 44-907, G.S. 1961 Supp.)

## KENTUCKY

[Regular Session 1/2/62-3/16/62]

### INDUSTRIAL RELATIONS

**Ch. 303** (*Law without approval 3/23/62*). Makes it unlawful for any carrier or shipper of property to agree to pay, or to pay, to or for the benefit of a labor organization, any charge by reason of transportation by railroad of motor vehicles or trailers which are capable of being moved on the highway. Also makes it unlawful for a labor organization to accept any such payment. Makes violation punishable by a fine of from \$100 to \$1,000 for each offense, and makes each violation and each day of violation a separate offense.

### OCCUPATIONAL HEALTH AND SAFETY

**Ch. 89** (*Approved 3/9/62*). Creates a Board of Boiler Rules in the Department of Public Safety composed of the Commissioner of

Public Safety and 4 members appointed by the Governor to represent boiler manufacturers, boilermakers, boiler insurance companies, and an operating engineer or other representative of owners and users of high pressure boilers. Provides that the board shall advise the commissioner in the development of boiler safety regulations which he is authorized by this act to issue. Requires boilers in the State to conform to these regulations.

Authorizes the Department of Public Safety to employ boiler inspectors to enforce the regulations, and to issue commissions to company inspectors. Sets requirements for frequency of inspection and authorizes the department to vary such inspection periods. Sets a schedule of inspection fees.

**Ch. 100** (*Approved and effective 3/14/62*). Declares it to be public policy to enable the State to discharge new responsibilities in licensing and safeguarding the use of radioactive materials, to provide for their disposal, and to develop new uses of atomic energy. Creates the Kentucky Atomic Energy Authority to assist in establishing atomic energy facilities. Designates the Commissioner of Health as the health and safety officer of the authority. Authorizes the authority to issue rules for the use of any atomic energy project.

Makes this act supplemental to Chapter 148 of 1958 as amended by Chapter 115 of 1960. These acts set up an Advisory Committee on Nuclear Energy, directed State agencies, including the Department of Health, the Department of Industrial Relations, and the Workmen's Compensation Board, to study necessary changes in laws and regulations administered by them and to adopt rules based on such study; authorized licensing of radiation sources; and authorized the Governor to enter into agreements with the United States Atomic Energy Commission concerning atomic energy development and radiation control.

## STATE DEPARTMENT OF LABOR

**Ch. 139** (*Approved 3/20/62*). Changes the name "Department of Industrial Relations" to "Department of Labor."

## UNEMPLOYMENT INSURANCE

**S. 70** (*Approved and effective 3/22/62*). Extends coverage to services: for Federal instrumentalities in which the United States has no ownership; on or in connection with American aircraft outside the United States; for profitmaking "feeder" organizations owned by exempt nonprofit organizations; and for certain tax-exempt organizations such as agricultural and horticultural organizations, voluntary employee beneficiary associations, and fraternal beneficiary societies (except persons earning less than \$50 a quarter and students).



**S. 343** (*Approved 3/22/62; effective 7/1/62*). Effective for benefit years beginning July 1, 1962, increases the minimum weekly benefit amount from \$11 to \$12 and the maximum weekly benefit amount from \$37 to \$40.

Changes the disqualification for voluntary leaving from 6-16 weeks following the disqualifying act to the duration of the unemployment.

## **WAGES—PREVAILING WAGES**

**Ch. 173** (*Approved 3/21/62*). Authorizes the Commissioner of Industrial Relations to determine prevailing wages for workmen engaged in public works construction and to make regulations to carry out this function. Sets the following criteria to consider in determining the rates: wage rates paid on public works previously constructed in the locality; wage rates paid on reasonably comparable private construction; collective bargaining agreements between labor organizations and employers located in Kentucky and applicable to the locality. Provides that the rate shall be set at that paid the majority of workers on comparable work, or if there is no majority, then the rate paid the greater number (defined as 30 percent of the employees), or if less than 30 percent receive the same rate, then the average rate.

Requires public hearings before rates are set. Provides for additional hearings before a tripartite wage review board to consider requested revisions. (Provides that the labor and industry members, appointed by the Governor, shall serve for periods of up to 4 years and shall serve for all hearings during their tenure. The third member is appointed by the public authority requesting a hearing.) Gives such boards the authority to revise prevailing wage determinations, subject to the same criteria and regulations of the commissioner as the original determinations.

Makes the prevailing wage provisions inapplicable to projects estimated to cost less than \$25,000, subject to a \$75,000 limit during any calendar year on construction exempted for any one authority.

(Formerly a prevailing wage board, established in the Department of Industrial Relations by a 1960 law, determined wage rates. Such rates were to be those prevailing in the locality under collective labor agreements if there were such agreements in the locality applying to a sufficient number of employees to furnish a reasonable basis for considering the rates as prevailing rates. The Kentucky Court of Appeals held that the board could not set rates where union rates were not applicable; and an opinion of the Attorney General held that in such cases the public authority could let bids on a project without a prevailing wage schedule.)

(Amends KRS 337.520 and 337.530, and adds three new sections.)

**H. Res. 102** (*Adopted 3/13/62*). Requests the Legislative Research Commission to study the State prevailing wage law, including a comparison with prevailing wage laws and their administration in other States and in the United States Government. Requests a report to the legislature by November 1, 1963.

## WORKMEN'S COMPENSATION

**Ch. 267** (*Approved 3/22/62; effective 6/14/62*). Raises the maximum weekly benefits for total disability from \$36 to \$38, and the total maximum from \$15,300 to \$16,150.

Raises the maximum weekly benefits for permanent partial schedule injuries from \$30 to \$32. For nonschedule permanent partial disability, raises the maximum weekly benefits from \$31 to \$33, and the total maximum from \$12,400 to \$13,200.

(Amends KRS 342.095, 342.105, and 342.110.)

**Ch. 276** (*Approved and effective 3/22/62*). Modifies the provisions enacted by chapter 147 of 1960 as to liability of the subsequent claim fund in cases where a worker who has been awarded benefits under the act becomes reemployed or continues in his employment. As amended, provides that benefit payments accruing during the period of employment or reemployment shall be paid by the fund, and may be paid in a lump sum, and specifies that the weekly payments shall be increased and the benefit period decreased if the weekly payments awarded are less than \$16. Formerly, the unpaid portion of the award was taken over by the fund if the worker was reemployed, but the whole award was paid by the fund if the worker continued in his employment.

Makes applicable to any compensable pneumoconiosis the special provisions on length of exposure for silicosis, and on complication by tuberculosis.

Places an additional time limit on occupational disease claims by requiring that the claim be filed within 5 years from the last injurious exposure. Adds this as a proviso to the time limit previously set, of 1 year after the last exposure or after the employee has knowledge that he has the occupational disease, whichever is later. Limits occupational disease benefits to the maximum amount payable under provisions in effect at the time of the last exposure.

Provides for the subsequent claim fund to assume responsibility for occupational disease benefits in certain cases. Provides that in cases of silicosis or other compensable pneumoconiosis, or in cases where another occupational disease developed to the point of disablement only after an exposure of 5 years or more, the employer who is

liable for compensation shall be the one in whose employment the worker was last exposed during a period of 6 months or more. If disability or death cannot be conclusively proved to be the result of such last exposure, all benefits shall be paid by the subsequent claim fund; otherwise, the employer shall be liable for 60 percent of the benefits due and the fund shall be liable for 40 percent. For occupational diseases other than silicosis or other compensable pneumoconiosis or diseases becoming disabling only after 5 years' exposure, retains the previous requirement that the last employer in whose employment the worker was injuriously exposed shall be the employer liable for benefits.

Excludes from an award payable from the subsequent claim fund, amounts equivalent to benefits payable had a preexisting "disabling disease or injury" (formerly only "disabling disease") been compensated under the act.

(Amends KRS 342.120, 342.122, 342.316, and 342.475.)

**H. Res. 103** (*Adopted 3/13/62*). Requests the Legislative Research Commission to make a comprehensive study of the workmen's compensation law and its administration, and report to the General Assembly not later than November 1, 1963.

## LOUISIANA

[Regular Session 5/14/62-7/12/62]

### CHILD LABOR AND SCHOOL ATTENDANCE

**Act 265** (*Approved 7/7/62; effective 8/1/62*). Provides that girls 16 to 18 years of age who are enrolled in a distributive education program may work in cooperating business establishments until 8:30 p.m. for not more than 3 nights a week. (Otherwise, girls under 18 are prohibited from working after 7 p.m.)

(Amends sec. 215, Title 23, LSA-R.S.)

### INDUSTRIAL RELATIONS

**Act 365** (*Approved 7/16/62; effective 8/1/62*). Makes the importation of strike-replacements into the State, or the arrangement of such importation, unlawful for any person not directly involved in the strike or lockout.

Makes it unlawful for any person or firm not directly involved in a labor strike or lockout to hire or recruit, or to secure or offer to secure employment for, any person as a replacement of a striking employee; but makes this prohibition inapplicable to services per-



formed in the usual course of business, provided that business is not usually the furnishing of strikebreakers, and provided that the person so hiring, recruiting, or assisting in securing employment has been resident in the State or, if a corporation, chartered or licensed to do business in the State, for 1 year prior to the strike or lockout.

Makes the act inapplicable to farming, agricultural pursuits, or the handling and/or primary processing of perishable raw agricultural commodities.

Sets penalties for violation of fine up to \$1,000 and imprisonment up to 1 year, or both.

## OCCUPATIONAL HEALTH AND SAFETY

**Act 84** (*Approved 6/27/62; provisions for control of byproduct, source, and special nuclear materials to be effective upon execution of a Federal-State agreement; provisions for control of other radiation sources to be effective 8/1/62*). Creates an Atomic Energy Development Agency, headed by a Coordinator of Atomic Energy Development, within the State Department of Commerce and Industry to encourage atomic energy development in the State.

Creates a Division of Radiation Control in the State Board of Health. Directs the division, among other things, to adopt regulations for radiation protection and to inspect radiation sources.

Requires licensing or registration of persons using, manufacturing, transporting, or possessing radiation sources. Directs the division to provide by regulation for licensing of operations involving by-product, source, or special nuclear materials, to require either registration or licensing of other sources of ionizing radiation, and authorizes it to exempt nonhazardous sources from such requirements. Provides that the division shall require records to be kept by each person possessing or using a source of radiation, including records showing radiation exposure of individuals for whom the division requires personnel monitoring. Requires such records to be furnished the employee annually upon request, and at any time he has received excessive exposure, and upon termination of employment. Requires posting of radiation safety regulations and of notices concerning the employer's responsibilities under this act.

Authorizes the division, with the Governor's approval, to enter into agreements with the Federal Government, other States, or interstate agencies, for cooperative performance of inspections or other control functions. Authorizes the division to set up training programs to qualify personnel and to make such personnel available for participation in programs of the Federal Government, other States, or interstate agencies. Authorizes the Governor to enter into reciprocal agreements with other States.

Authorizes the Governor to enter into an agreement with the Federal Government for transfer to the State of certain responsibilities for control of byproducts, source materials, and special nuclear materials.

Creates a Board on Nuclear Energy composed of the Coordinator of Atomic Energy Development, the Director of the Division of Radiation Control, and 12 members appointed by the Governor from the areas of industry, agriculture, engineering, labor, insurance, and several fields of health and science. Provides that this board shall act as an appeals board for persons aggrieved by decisions of the Atomic Energy Development Agency or the Division of Radiation Control, and shall review and approve or reject the policies, programs, and regulations of the agency and of the division.

Permits local ordinances, resolutions, or regulations on the subject of ionizing radiation, so long as they are consistent with this act and regulations issued under it.

## UNEMPLOYMENT INSURANCE

**Act 254** (*Approved 7/7/62; effective 1/1/63*). Requires all out-of-State contractors, except nondelinquent employers subject to the Louisiana law prior to January 1, 1963, to post a surety bond or cash deposit to guarantee the payment of all unemployment taxes due to the State. Such contractors would cease to be subject to this provision upon completion of 36 months of doing business within the State during which time all taxes, interest, and penalties have been paid.

## WORKMEN'S COMPENSATION

**S. Con. Res. 3** (*Adopted 7/12/62*). Requests the State Civil Service Commission to adopt rules setting up a medical program for State employees, including provisions for preemployment medical examinations where desirable and for waiver of workmen's compensation claims against the State by employees with preexisting physical defects.

## MARYLAND

[Regular Session 2/7/62-3/8/62]

## APPRENTICESHIP

**Ch. 124** (*Approved 4/6/62; effective 6/1/62*). Creates an Apprenticeship Council consisting of two representatives of labor, two of management, and one representative of the Maryland State Training Directors Society. Provides that the Director of Vocational Edu-

cation of the Department of Education shall act as director. Places the law under the Public Education title of the Maryland Code.

(Adds secs. 320 through 324, Art. 77, Ann. Code (1961 Supp.).)

## DISCRIMINATION IN EMPLOYMENT

**J. Res. 3** (*Approved 3/23/62*). See **Older Workers**.

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 52** (*Approved 3/23/62; effective 6/1/62*). Authorizes the Governor to enter into an agreement with the Federal Government for transfer to the State of certain responsibilities with respect to sources of radiation.

(Adds sec. 609 to Art. 43, Ann. Code 1957.)

## OLDER WORKERS

**J. Res. 3** (*Approved 3/23/62*). Declares it to be the policy of the State that no person should be denied employment because of age. Urges employers not to discriminate on this basis. Requests the State Commission on the Aging to conduct an educational campaign to eliminate such discrimination, report its results to forthcoming sessions of the General Assembly, and advise whether it believes such discrimination can be eliminated without legislation.

## WORKMEN'S COMPENSATION

**Ch. 41** (*Approved 3/23/62; effective 6/1/62*). Raises maximum weekly benefits for temporary and permanent total disability from \$40 to \$48.

(Amends sec. 36, Art. 101, Ann. Code 1957.)

**Ch. 42** (*Approved 3/23/62; effective 6/1/62*). Raises maximum weekly death benefits from \$40 to \$48, and raises the weekly minimum from \$15 to \$18 or, as before, the full amount of wages if less.

(Amends sec. 36, Art. 101, Ann. Code 1957.)

## MASSACHUSETTS

[Regular Session 1/3/62–7/27/62]

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 26** (*Approved 1/25/62; effective 7/1/62*). See **Emergency Relaxations**.

**Ch. 107** (*Approved 2/19/62; effective 5/20/62*). Permits a child under 15 years of age to appear in a fashion show, provided he is accompanied by either parent.

(Amends M.G.L.A., c. 149, secs. 60 and 104.)



## DISCRIMINATION IN EMPLOYMENT

**Ch. 627** (*Approved 7/5/62; effective 7/15/62*). See **Older Workers**.

## EMERGENCY RELAXATIONS

**Ch. 26** (*Approved 1/25/62; effective 7/1/62*). Extends until July 1, 1963, the authority of the Commissioner of Labor and Industries to suspend the application of statutes or regulations concerning the employment of women and minors over 16 in event of emergency or conditions of hardship in an industry or establishment.

## HOURS OF WORK

**Ch. 26** (*Approved 1/25/62; effective 7/1/62*). See **Emergency Relaxations**.

## INDUSTRIAL HOMEWORK

**Ch. 253** (*Approved 3/22/62; effective 6/20/62*). Prohibits industrial homework on outer garments and under garments of men, women, boys, girls, children, and infants, except hosiery and women's millinery.

(Amends M.G.L.A., c. 149, sec. 144.)

## INDUSTRIAL RELATIONS

**Ch. 307** (*Approved and effective 3/31/62*). Amends the law providing for the creation of the Metropolitan Transit Authority by authorizing the Governor to take possession of and operate a public transportation system under its authority on which service has stopped or slowed down in violation of an injunction or other court order. Provides that during the emergency period the Governor may operate such public transportation system through any State agency with the assistance of any designated public or private instrumentality. Limits the emergency period for operation to 45 days after the Governor has declared the existence of a state of emergency.

(Adds a new section 19A to Ch. 544, Acts of 1947.)

**Ch. 345** (*Approved 4/16/62; effective 7/15/62*). Prohibits performance by a firefighter, during an industrial or labor dispute, of police or other duties not regularly performed by him.

(Amends M.G.L.A., c. 48, sec. 88.)

**Ch. 443** (*Approved 5/11/62; effective 8/9/62*). Prohibits recruitment of labor replacements or strikbreakers from out of the State by persons other than the employer directly involved in the labor

dispute. Requires any employer who recruits or imports labor replacements or strikebreakers to file a written report with the Commissioner of Labor and Industries within 5 days giving the name and address of the strike replacement, the date of importation, and the total amount of compensation and expenses paid or to be paid to each replacement.

Provides a penalty of from \$500 to \$1,000 for the first violation, and from \$1,000 to \$5,000 for the second or subsequent offenses.

(Prior to this amendment the law did not prohibit importation but required a person (other than the employer of employees involved in a dispute) importing labor replacements or strikebreakers to file written reports with the commissioner, and required reports from any employer who arranged with another to make such importation.)

(Amends M.G.L.A., c. 150D, secs. 1, 3, and 5.)

**Ch. 504** (*Approved 5/29/62; effective 8/27/62*). Provides a penalty for violation of the law protecting the right of certain public employees to join or refrain from joining labor organizations.

(Amends M.G.L.A., c. 149, sec. 178D.)

**Ch. 760** (*Approved and effective 7/26/62*). Authorizes collective bargaining on wages, hours, working conditions, health benefits, pensions, and retirement allowances between the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the Massachusetts Parking Authority, and the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority and their employees. Requires submission of grievances and disputes to arbitration. Makes applicable to such employers and employees the provisions of the State labor relations act with respect to representation, unfair labor practices, and other matters. Specifies that such employees do not have the right to strike.

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 27** (*Approved 1/26/62; effective 4/26/62*). Adds to the types of boilers which may be operated by the holder of a third class engineer's license: boilers not exceeding in the aggregate 500 horsepower based on the relieving capacity of the safety valve or valves when steam is generated by the use of liquid or gaseous fuel, electric or atomic energy, or any other source of heat than solid fuel. Retains the 150-horsepower limit when a boiler is powered by solid fuel.

(Amends M.G.L.A., c. 146, sec. 49.)

**Ch. 102** (*Approved 2/14/62; effective 5/15/62*). See **State Department of Labor**.

**Ch. 574** (*Approved 6/19/62; effective 9/17/62*). Amends eligibility requirements for certain firemen's and engineers' examinations. For example, requires the furnishing of evidence as to previous train-

ing and experience; requires United States citizenship or declaration of intention to become a citizen, for first, second, or third class engineer's license; gives recognition to certain licenses of the United States merchant marine or of another State; and requires indorsement by an engineer or fireman holding the same or a higher grade of license. (Amends M.G.L.A., c. 146, secs. 50 and 64.)

## OLDER WORKERS

**Ch. 498** (*Approved 5/29/62; effective 8/27/62*). Changes the name of the Division on the Employment of the Aging (in the Department of Labor and Industries) to the Division on Employment of Older Workers. Also changes the name of the Council on the Employment of the Aging to the Council on the Employment of Older Workers.

(Amends M.G.L.A., c. 23, secs. 3, 11M, 11N, and 110.)

**Ch. 627** (*Approved 7/5/62; effective 7/15/62*). Makes the prohibition on age discrimination in the fair employment practice act applicable to State and local government agencies, by removing the former exemption.

(Amends M.G.L.A., c. 151B, sec. 1.)

**Res. Ch. 90** (*Approved 5/18/62; effective 8/19/62*). Provides for a special commission, consisting of two members of the legislature and three members appointed by the Governor, to study means for absorbing the labor surplus of persons 45 years of age and over, and to study the effect of the workmen's compensation act in creating unemployment in this age group.

## STATE DEPARTMENT OF LABOR

**Ch. 102** (*Approved 2/14/62; effective 5/15/62*). Adds to the establishments listed in the definition of "buildings used for industrial purposes" or "industrial establishment" the following: telegraph offices or telephone exchanges, express or transportation companies, private clubs, offices, letter shops, financial institutions, hotels, manicuring or hairdressing establishments, motion picture or other theaters and other places of amusement, and garages. (Labor department representatives have right of entry to buildings used for industrial purposes to inspect for safety, for compliance with laws relating to work of women and children and other labor laws, and to examine records of wages, hours, and other conditions of employment. Other parts of the labor law relating to safety and sanitation regulate "industrial establishments.")

(Amends M.G.L.A., c. 149, sec. 1.)



**Ch. 498** (*Approved 5/29/62; effective 8/27/62*). See **Older Workers**.

## UNEMPLOYMENT INSURANCE

**Ch. 414** (*Approved 5/7/62; effective 7/26/62*). Extends coverage to services for profitmaking "feeder" organizations owned by exempt nonprofit organizations, and for certain tax-exempt organizations such as agricultural and horticultural organizations, voluntary employee beneficiary associations, and fraternal beneficiary societies (except for persons earning less than \$50 a quarter).

Adds a definition of "American aircraft" to include services on or in connection with American aircraft outside the United States.

**Ch. 468** (*Approved 5/18/62; effective 1/1/62*). Permits an employer, in determining the \$3,600 taxable wage limit, to include remuneration on which he paid contributions under an unemployment insurance law of another State.

**Ch. 476** (*Approved 5/22/62; effective 8/20/62*). Amends definition of dependent child to include children whose legal adoption by the claimant is pending in a benefit year.

## WAGES AND HOURS—ALL WORKERS

**Ch. 134** (*Approved 2/23/62; effective 5/24/62*). Raises the statutory minimum wage from \$1 to \$1.15 an hour, and provides for a further increase to \$1.25 an hour effective September 5, 1963.

Provides that wage boards may not recommend rates below \$1.15 an hour (below \$1.25 an hour after September 5, 1963), except for: service people who regularly receive gratuities, for whom minimum rate is set at 75 (formerly 70) cents an hour; residential janitors furnished with living quarters, for whom the minimum rate is set at \$36 (formerly \$30) a week; and ushers, ticket sellers, and ticket takers, for whom a minimum rate of \$1 an hour is set. Provides that rates in existing minimum wage orders shall automatically advance to those set by the law.

(Amends M.G.L.A., c. 151, secs. 1, 7, and 19.)

**Ch. 153** (*Approved 2/27/62; effective 5/28/62*). Exempts employees in summer camps operated by nonprofit charitable corporations from the statutory overtime provisions.

(Amends M.G.L.A., c. 151, sec. 1A.)

**Ch. 155** (*Approved 2/27/62; effective 5/28/62*). Redefines seasonal businesses for the purpose of exemption from the statutory overtime provisions, as those which are carried on during a period or accumulated periods not in excess of 120 days, rather than 4 months, in any year.

(Amends M.G.L.A., c. 151, sec. 1A.)

**Ch. 363** (*Approved 4/24/62; effective 7/23/62*). Specifies that the provision of the minimum wage law setting statutory overtime rates for certain employees shall not be construed to exempt any person to whom a minimum wage order is applicable from overtime provisions set by the wage order.

(Amends M.G.L.A., c. 151, sec. 1A.)

**Ch. 371** (*Approved 4/24/62; effective 7/23/62*). Provides a penalty for violation of the statutory overtime provisions of the minimum wage law. Authorizes a worker to recover unpaid overtime compensation in a civil action, plus costs and attorney's fees. Authorizes the labor commissioner to take an assignment of such a claim and bring action.

(Adds sec. 1B to M.G.L.A., c. 151.)

**Ch. 399** (*Approved 5/1/62; effective 7/29/62*). Authorizes civil action by employees, and assignments of claims to the labor commissioner, to recover unpaid minimum wages not only under wage orders, but also in an occupation covered by the statutory minimum but not by a wage order. The provision formerly applied only to occupations covered by a wage order.

(Amends M.G.L.A., c. 151, sec. 20.)

## WORKMEN'S COMPENSATION

**Ch. 471** (*Approved 5/21/62; effective 11/1/62*). Extends benefit periods for a number of schedule injuries. For example, extends the period from 300 to 400 weeks for loss of hearing in both ears, from 125 to 175 weeks for loss of the major hand, and from 400 to 500 weeks for loss of both legs at the hip.

(Amends M.G.L.A., c. 152, sec. 36.)

**Res. Ch. 90** (*Approved 5/18/62; effective 8/19/62*). See **Older Workers**.

## MICHIGAN

[1962 Regular Session met 1/10/62; last recessed to 12/27/62] <sup>5</sup>

## DISCRIMINATION IN EMPLOYMENT

**H. Res. 103** (*Adopted 5/8/62*). Creates a special interim committee of the House of Representatives to study equal employment opportunities, to formulate programs relative to job retraining, and to improve vocational and other types of training for members of minority groups.

<sup>5</sup> Laws become effective 90 days after adjournment of the legislature.

## INDUSTRIAL RELATIONS

**Act 150** (*Approved 5/8/62*). Prohibits any person from knowingly employing a professional strikebreaker in place of an employee who is on strike or locked out. Further prohibits a professional strikebreaker from offering to or taking the place of a striking or locked out employee. Prohibits hiring of strike-replacements who, to employer's knowledge, are unaware of the existence of the labor dispute. Also prohibits employment agencies from referring replacements without adequate notice to the person referred of the existence of the strike or lockout.

## STATE DEPARTMENT OF LABOR

**H. Res. 89** (*Adopted 4/26/62*). Resolves that the Executive Reorganization Plan No. 3 of 1962, creating a State Department of Industrial Relations, defining its powers and duties, and transferring and abolishing certain other related departments and offices, is disapproved by the House of Representatives.

## UNEMPLOYMENT INSURANCE

**Act 36** (*Approved 4/10/62*). Provides that an employer who has been subject to the Federal Unemployment Tax Act for 18 consecutive calendar quarters immediately preceding the computation date and who transfers all or part of his operations from another State to Michigan shall, under specified conditions, be regarded as a qualified employer for experience rating purposes.

**Act 196** (*Approved 6/4/62*). Amends the definition of dependent to include dependent children, brothers, or sisters, regardless of age, who are unable to engage in any gainful occupation because of a physical or mental impairment. Formerly, such dependents were excluded if they were age 21 or over.

Denies as a "credit week" any week in which a minor student, or a student of any age at the college level when the student's employment is a formal and accredited part of the regular curriculum of his school, is employed at less than the schedule of hours he would have worked were it not for the fact that he was a student. Formerly, this provision applied only to minor students and only when the employment was less than the full-time schedule hours for full-time employees.

## WAGES—EQUAL PAY

**Act 37** (*Approved 4/12/62*). Amends the equal pay law to prohibit any employer of labor from discriminating in any way in the payment of wages as between sexes who are similarly employed. Provides that any difference in wage rates based upon a factor other than sex shall not be a violation.



Previously the law applied only to the manufacture or production of any article, and also prohibited payment to any female of a lesser wage than is being paid to males similarly employed in such manufacture, production, or in any employment formerly performed by males.

(Amends sec. 750.556, Comp. Laws 1948.)

## MISSISSIPPI

[Regular Session 1/2/62-6/2/62]

### INDUSTRIAL RELATIONS

**H. 123** (*Approved 2/22/62*). Makes unlawful any agreement or arrangement whereby any carrier or shipper of property is permitted or required to pay a charge, allowance, assessment or compensation, other than a transportation charge or charge for services actually performed, to any organization, individual, or corporation, if such assessment or compensation is dependent or contingent on the use of another mode of transportation for movement of a motor vehicle or demountable truck body or the contents thereof. Makes it a misdemeanor for any individual, corporation, or organization to levy or accept such a payment.

(Adds sec. 7666.1 to Miss. Code 1942.)

### OCCUPATIONAL HEALTH AND SAFETY

**H. 561** (*Approved 5/21/62*). Enters Mississippi in the Southern Interstate Nuclear Compact. (For a description of the compact, see Georgia, Act 837, Laws of 1962.)

(The preamble to this Mississippi act states that the Attorney General has held that the Governor of Mississippi has authority to enter into an agreement with the Atomic Energy Commission for transfer to the State of certain responsibilities for regulating nuclear materials, and that the State Board of Health in cooperation with the officials of the Atomic Energy Commission has prepared the necessary regulations for accepting such powers and protecting the citizens of the State. Such a Federal-State agreement has been concluded.)

### PRIVATE EMPLOYMENT AGENCIES

**H. 1151** (*Approved and effective 6/1/62*). Repeals the provision that required agents soliciting laborers for employment outside the State to pay a \$500 annual tax for each county in which such business was carried on.

(Repeals sec. 9696-108, Miss. Code of 1942.)

## UNEMPLOYMENT INSURANCE

**H. 588** (*Approved 4/5/62; effective 7/1/62*). Changes the disqualification for fraudulent misrepresentation in connection with a claim, from the week of occurrence plus a “period of not more than 1 year immediately following” discovery to “a period not exceeding 52 weeks” beginning and ending on such date as the Employment Security Commission in its discretion may determine. Also provides for reduction of the maximum benefit allowance by the amount received by the individual during the week of occurrence.

Provides for a reduction in the weekly benefit amount by the amount of retirement income received by the individual and financed in whole or in part by a base-period employer.

Reduces the number of schedules of reduced rates from 4 to 3 with rates in the most favorable schedule ranging from 0.3 to 2.7 percent, and in the least favorable schedule from 1.1 to 3.2 percent. Increases the maximum possible rate from 2.7 to 3.2 percent.

## WORKMEN'S COMPENSATION

**H. 619** (*Approved 5/31/62*). Amends the definition of compensable “injury” to include disability or death due to exposure to ionizing radiation resulting from use of or direct contact with or exposure to radium, radioactive substances, X-rays, or ionizing radiation. Provides that in radiation cases only, the date of disablement shall be treated as the date of the accident.

(Amends sec. 6998-02, Miss. Code of 1942.)

## NEW JERSEY

[Regular Session 1/9/62—last recessed to 11/19/62]

## APPRENTICESHIP

**Ch. 175** (*Approved and effective 12/3/62*). See **Discrimination in Employment**.

## CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 91** (*Approved and effective 6/22/62*). Amends the provision setting a minimum age of 16 years for employment during school hours and 14 outside school hours to permit the professional employment for pay throughout the year of children between the ages of 8 and 16 years in theatrical productions, with a theatrical employment permit. Formerly, such employment was permitted during the

school summer vacation period only, with a theatrical vacation permit; during the school year, the general child labor provisions applied.

Defines "theatrical production" to mean stage, motion picture, and television performances and rehearsals. Prohibits several types of performances, including appearances as a rope or wire walker or rider, wrestler, acrobat, rider of an animal or vehicle, or performances on premises licensed for the sale and consumption of alcoholic beverages.

Repeals the standards formerly set for the summer employment of children in theatrical work, which were merely conditions precedent to obtaining a permit, and enacts stronger year-round standards with adequate penalties for failure to comply with the standards.

Provides that the issuing officer, upon application of an employer, may issue a theatrical employment permit if he finds that: The child is in good health as certified by a physician; the place of employment is approved by the Department of Labor and Industry; the period of the permit does not exceed 3 months (renewable upon application); prohibited performances are not involved; the proposed employment will not exceed two performances a day or eight a week, for not more than 6 days a week, 5 hours a day including rehearsal time, and 8 hours a day for school and theatrical performance time combined; the child will not be employed before 7 p.m. or after 11:30 p.m.; the child will be under the direct care of a designated adult at all times during his employment or while living away from home; and that the child is receiving approved equivalent instruction if he is not attending public school.

Authorizes the issuing officer to refuse to grant a permit if, in his judgment, the child's best interest would be served thereby. Requires the Department of Education to deliver a copy of the application to the labor department. Authorizes the labor department to issue regulations for administration and enforcement.

Amends N.J.S.A. 34:2-21.2, repeals 34:2-21.2a, and enacts new sections.)

## DISCRIMINATION IN EMPLOYMENT

**Ch. 37** (*Approved 5/7/62; effective 6/6/62*). See **Older Workers**.

**Ch. 175** (*Approved and effective 12/3/62*). Adds to the law against discrimination (which prohibits employment discrimination because of race, creed, color, national origin, ancestry, age, or liability for military service) a prohibition against discrimination by a labor organization in any apprentice or other training program.

(Amends N.J.S.A. 18:25-12.)



**INDUSTRIAL RELATIONS**

**Ch. 5** (*Approved 2/7/62; effective 4/8/62: supplemental definitions, prohibitions regarding union service by persons convicted of certain offenses, and coercion provisions; effective 2/7/62: reiteration of right to strike and other collective bargaining rights*). Amends the Waterfront Commission Act, which in 1953 established a compact between New York and New Jersey regulating the employment of waterfront labor within the Port of New York district. The 1962 amendments, for the most part, conform with amendments enacted in 1961 to the companion New York law.

Extends the definition of "longshoreman" (who is required to be registered before he may work at the waterfront) and the definition of "hiring agent" (who is required to be licensed) to regulate certain employments which were not originally covered.

Makes it unlawful for any person directly or indirectly to intimidate, injure, or inflict loss or economic reprisal, or attempt or threaten to do so, on any person licensed or registered by the Waterfront Commission, or any other person, in order to interfere with or influence the performance of his duties.

Makes applicable to additional situations the prohibition against the collection of dues or other funds on behalf of a labor organization representing employees registered or licensed under the act if a union "officer" or "agent" has been convicted of a felony or misdemeanor involving moral turpitude. For example, extends the prohibition to apply to a labor organization if an "employee" has been so convicted; adds other specified offenses to the convictions covered by this provision; and specifically makes the prohibition applicable to collections for welfare and trust funds. Gives the Waterfront Commission discretionary authority to lift this prohibition for an employee who does routine clerical or manual work on the premises of the labor organization welfare fund, or trust. Extends prohibition beyond mere collection of dues and penalizes the person whose service in the union offends the statute, and those who knowingly permit him to serve.

Specifies that the act does not limit the rights of employees to organize, strike, or act in any other way through labor organizations. Already in the law was a provision safeguarding the rights of employees to bargain collectively and agree upon a method of selecting employees, subject to the requirements of the act.

(Amends N.J.S.A. 32 :23-80 and 32 :23-85, and enacts new sections.)

**OCCUPATIONAL HEALTH AND SAFETY**

**Ch. 45** (*Approved and effective 5/15/62*). A "Construction Safety Act." Repeals safety standards formerly set in the law for compressed air, construction, demolition, and excavation work; repeals also the provision which specifically gave the labor commissioner authority to issue safety rules to enforce these standards. Provides that rules adopted under the repealed provisions are to remain in effect until 6 months after the effective date of this act or until replaced by new rules adopted under it.

Authorizes the Commissioner of Labor and Industry to issue rules to implement the act, and sets the procedure to be followed before issuance. Requires employer compliance with rules adopted for the health and safety of employees and the public "in any activity related to the erection, construction, alteration, demolition, repair or maintenance of buildings, structures, bridges, highways, roadways, dams, tunnels, sewers, underground buildings or structures, underground pipelines or ducts and all other construction projects or facilities."

Establishes in the Department of Labor and Industry a 15-member Construction Safety Council, composed of the labor commissioner as chairman and 14 members appointed by the Governor, 2 representing the public, 6 selected from names submitted by sepecified employer organizations, 4 from names submitted by a specified labor organization, and 1 each from specified societies of engineers and of architects. Empowers the council, by majority vote, to disapprove a regulation proposed by the labor commissioner. Provides that the council shall also advise him on administrative matters.

Gives the commissioner inspection and enforcement authority, including authority to require reporting of serious accidents and to stop work in cases of imminent hazard. Provides for reinspection before work may be resumed, a hearing in disputed cases, and injunctive relief against disputed cease work orders. Authorizes the creation of a Construction Safety Section in the Bureau of Engineering and Safety of the labor department to administer the act. Sets penalties for violation.

Provides that the act does not alter existing provisions on precautions to be taken near high voltage lines, and does not apply to persons subject to certain other laws such as those dealing with factories, workshops, newspaper and printing plants, laundries, and public utilities.

(Repeals N.J.S.A. 34:3-1 through 34:3-20, 34:3-23, 34:5-1 through 34:5-23, 34:5-33 through 34:5-162, 34:5-164, and 34:5-165, and enacts new sections.)

**Ch. 192** (*Approved and effective 12/10/62*). Specifically extends coverage of the safety provisions applicable to factories, mills, or

workshops to apply also to newspaper plants in which newspapers are printed or published and to any place in which persons are employed in the printing or publishing industry.

(Supplements ch. 6, Title 34, N.J.S.A.)

## OLDER WORKERS

**Ch. 37** (*Approved 5/7/62; effective 6/6/62*). Adds to the law against discrimination a prohibition against discrimination in employment because of age. Specifies that the law as amended shall not conflict with the provisions of the labor law relating to child and female labor nor require the employment of a person under the age of 21. Further specifies that it shall not prohibit the setting of bona fide occupational qualifications or apprenticeship requirements based on a reasonable minimum age, nor interfere with the operation of a bona fide retirement, pension, employee benefit, or insurance plan, nor prevent termination or change of employment of an employee who is unable to perform his duties adequately.

Like the race and other antidiscrimination provisions already in the law, the age discrimination ban applies to employers, unions, and employment agencies, and is to be administered by the Division on Civil Rights of the Department of Education.

(Amends N.J.S.A. secs. 18:25-3, 18:25-4, 18:25-6, 18:25-8, 18:25-10, and 18:25-12.)

**Ch. 175** (*Approved and effective 12/3/62*). See **Discrimination in Employment**.

## UNEMPLOYMENT INSURANCE

**Ch. 49** (*Approved and effective 5/28/62*). Specifically exempts from coverage services performed by agents of "mutual fund brokers-dealers."

Restores the former tacking provision to establish coverage of affiliated employers or employers who have grouped together as a single employing unit.

## WORKMEN'S COMPENSATION

**Ch. 57** (*Approved 6/1/62; effective 7/1/62*). Raises maximum weekly benefits from \$40 to \$45 for temporary and permanent total disability, and from \$35 to \$40 for permanent partial disability.

(Amends N.J.S.A. 34:15-12.)

**S. Con. Res. 18** (*Adopted 5/14/62*). Creates a Joint Legislative Commission to study the State laws, practices, and procedures relating to workmen's compensation. Directs the commission to make recommendations for revisions in light of the present-day economic situation, and report its findings to the 1963 session of the legislature.



## MISCELLANEOUS

**Ch. 38** (*Approved and effective 5/9/62*). The Manpower Training and Retraining Act of 1962. Authorizes the Commissioner of Labor and Industry to enter into agreements with the United States Secretary of Labor under which the State Department of Labor and Industry will secure adoption of such training or retraining programs in the State, by public or private agencies, as will qualify individuals for training allowances or subsistence benefits under Federal law. Requires all such programs involving classroom instruction to be approved by the State Board of Education. Authorizes the Commissioner of Education to enter into agreements with the Secretary of Health, Education, and Welfare of the United States, under which the Department of Education will provide vocational and training programs through public and private education agencies or institutions.

## NEW YORK

[Regular Session 1/3/62–3/31/62]

### APPRENTICESHIP

**Ch. 164** (*Approved and effective 3/20/62*). See **Discrimination in Employment**.

### CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 47** (*Approved 2/27/62; effective 7/1/62*). Amends the Education Law to permit newspaper carrier boys to deliver magazines also, under the same conditions as for the delivery of newspapers. (Amends sec. 3219–a, Education Law.)

**Ch. 88** (*Approved 3/6/62; effective 10/1/62*). Exempts from the minimum age provisions of the child labor law the employment or exhibition outside school hours of minors under 18 years of age as models, with a child model work permit. (Existing provisions, which permit the employment of child performers under 16 with a theater permit, apply only to theaters, motion pictures, and radio and television programs. The employment of child models by other types of employers was formerly covered by the basic 14-year minimum age for employment outside school hours.)

Provides that the permit, issued by local school officials, shall not be valid during required school attendance; requires a certificate of physical fitness, parental consent if the application is made by the parent, and the minor's consent if he is over 12 years of age. Requires

the certificating officer to find that the employment or exhibition will not be harmful to the minor's health and welfare and that, if he is of school age, his education will not be neglected. Authorizes the officer to revoke the permit for good cause. Requires that the employment or exhibition shall be in accordance with the regulations of the Commissioner of Education, who is authorized to issue rules to protect the health and welfare of child models.

Exempts child models who have a permit under the theater permit provisions of the law and those employed or exhibited by a government agency or nonprofit association.

(Amends sec. 3215 and adds sec. 3216-b, Education Law; amends sec. 131 Labor Law.)

**Ch. 484** (*Approved and effective 4/13/62*). Authorizes the Division for Youth to establish, operate, and maintain, or to contract with other public or private nonprofit agencies for the operation of, non-residential work-training and group counseling programs for out-of-school youth under 21 who lack the basic skills and work attitudes necessary for employment. Authorizes the director of the division to grant work trainee allowances to enrollees in accordance with regulations established by the division and approved by the director of the budget.

Directs the division to evaluate the effectiveness of the programs in the prevention and control of juvenile delinquency.

(Amends sec. 501 and adds sec. 504, Executive Law.)

**Ch. 485** (*Approved 4/13/62; effective 4/1/62*). Authorizes the Commissioner of Education to make apportionments to school districts for the establishment of school-to-employment programs, consisting of part-time school and part-time supervised employment for 15-year-old students who are potential dropouts. Authorizes school districts to contract with private or public employers for providing such employment. Declares that the purpose of the program is to develop habits, attitudes, and skills which would enable the students to obtain suitable full-time employment on leaving school.

Requires school districts to submit plans to the commissioner for approval. Provides that, if school district funds are to be used to give students a stipend for their work, the plan must indicate the type of employment contemplated. Prohibits the use of public funds to pay students for nongovernment work. Appropriates \$200,000 for the program.

Exempts such employment from the provisions of the labor law if the program meets the regulations of the Commissioner of Education.

(Adds sec. 4608, Education Law.)

**Ch. 582** (*Approved 4/19/62; effective 10/1/62*). Recodifies article 4 of the child labor law, which deals essentially with the minimum

age for employment, employment certificates, and prohibited occupations for minors. Reorganizes and restates these provisions in a logical, orderly manner. Makes a few changes in substance. For example, drops the exemption from the 16-year minimum age for factory employment for high school graduates of 14 and 15. In clarifying the provision that permits the employment of 14- and 15-year-olds outside school hours, provides that such minors may be employed "when attendance upon instruction is not required by the education law," rather than "when schools are not in session."

Also recodifies certain provisions relating to the employment of females, including the requirement for seats, and the prohibition of employment after childbirth and in specified occupations.

(Repeals former Arts. 4 and 8-b, Labor Law, and enacts a recodified Art. 4; adds new secs. 203-b, 206-a, 206-b, 311, and 405.)

## DISCRIMINATION IN EMPLOYMENT

**Ch. 6** (*Approved 2/6/62; effective 5/1/62*),

**Ch. 165** (*Approved and effective 3/20/62*),

**Ch. 369** (*Approved and effective 4/9/62*), and

**Ch. 529** (*Approved and effective 4/14/62*). Changes the name of the State Commission Against Discrimination to the State Commission for Human Rights. Increases its membership from five to seven commissioners. Specifies that the chairman shall serve as its chief executive officer, provides for the designation of a vice chairman, and changes certain administrative procedures.

(Amends secs. 292, 293, and 297, Executive Law, and other secs., and adds sec. 293-a.)

**Ch. 164** (*Approved and effective 3/20/62*). Adds to the fair employment practice act a provision making it unlawful for an employer, labor organization, employment agency or any joint labor-management committee controlling apprentice training programs to deny or withhold from any qualified person because of his race, creed, color, or national origin the right to be admitted to or participate in a guidance program, an apprentice training program, on-the-job training program, or other occupational training or retraining program. Further prohibits discriminatory advertisements or application forms for such programs.

(Amends secs. 296 and 297, Executive Law.)

## EMERGENCY RELAXATIONS

**Ch. 345** (*Approved and effective 4/9/62*). Extends until July 1, 1965, the New York State Defense Emergency Act, which, among other provisions, authorizes the Industrial Commissioner to grant to employers engaged in defense work, dispensation from certain legal



requirements as to hours and other conditions of work. The act sets up certain standards and limitations to protect the health and welfare of workers, including a provision that no dispensation may be granted for employment of minors under 16.

(Amends sec. 121, Defense Emergency Act.)

## INDUSTRIAL RELATIONS

**Ch. 346** (*Approved and effective 4/9/62*). Specifies that the court, in determining the arbitrability of a claim, shall not consider whether the claim is tenable or otherwise pass upon the merits of the dispute. (The purpose of this amendment is to abrogate the rule under which the courts have examined the merits of a dispute before deciding whether an arbitration agreement should be enforced.) (This provision is applicable to labor arbitration agreements.)

(Adds sec. 1448-a, Civil Practice Act.)

**Ch. 554** (*Approved 4/18/62; effective 10/1/62*). Grants to public employees the right to present grievances, free from coercion or reprisal, in accordance with an established grievance procedure, and requires supervisors and department heads to carry out their responsibilities under the procedure. Covers all county, city, town, village, school district, or other political subdivisions having 100 or more full-time employees, except New York City. Applies to any alleged violation or inequitable application of an existing law, regulation, or work rule involving health or safety, physical facilities, materials or equipment furnished to employees, or supervision. Does not apply to grievances involving rate of pay, retirement benefits, disciplinary proceeding, or any matter otherwise reviewable by law or regulation.

Requires each government covered under the act which has not established a two-stage grievance procedure for all its employees by October 1, 1963, to establish the procedure set forth in the act, consisting of at least two procedural stages and an appellate stage. In the first stage, provides for the employee to discuss his grievance informally with his immediate supervisor. In the second stage, provides for the submission of written statements by the employee and his supervisor to the department head who, at the employee's request, is required to hold an informal hearing at which the employee and his representative may appear and present oral or written arguments. Authorizes the department head to make a final determination at this stage. For the appellate stage, directs the chief executive officer of each government to appoint one or more public employee grievance boards; grants to the employee the right of appeal to such board from the department head's determination. Specifies that the employee shall be given a hearing by the appeal board, and grants him the right to be represented. Provides that the board's report contain

findings of fact, conclusions, and "advisory recommendations," and that copies be sent to the employee, his representative, the department head, and the chief executive officer.

Requires each government to file with the State Civil Service Commission by November 1, 1963, a copy of its procedure, which shall be open to public inspection.

Authorizes political subdivisions with less than 100 employees to establish a grievance procedure.

(Renumbers former Art. 16 as Art. 17, General Municipal Law, and enacts a new Art. 16.)

## MIGRATORY WORKERS

**Ch. 87** (*Approved 3/6/62; effective 10/1/62*). Clarifies the coverage of and responsibilities under the migrant registration law, which had become confused as a result of several previous amendments. This law sets three basic requirements: a certificate of registration from the Industrial Commissioner, to obtain which the applicant must submit information on wages, other working conditions, and housing; keeping payroll records containing specified information; and giving written wage statements to workers, containing specified information.

Makes it clear that certificates of registration are required of all farm labor contractors; all growers or processors who utilize the services of farm labor contractors; and a grower or processor who, without utilizing the services of a farm labor contractor, brings into the State or is responsible for bringing into the State five or more out-of-State migrant farm or food processing workers. Also makes it clear that the payroll-record and wage-statement requirements apply to all farm labor contractors, and to those growers or processors who, without using labor contractors, bring in five or more out-of-State migrants.

Newly requires each farm labor contractor to submit his fingerprints with his application for a registration certificate.

Adds a requirement that every grower or processor who utilizes the services of a farm labor contractor must countersign the contractor's certificate application and state that the information in it is true to the best of his knowledge. Also provides that if a labor contractor fails to comply with the other provisions, including the payroll-record and wage-statement requirements, the commissioner is to notify the grower who uses the contractor's services, and the grower himself thereafter becomes responsible for complying with these provisions.

Adds other provisions, including the requirement that payroll records and wage statements must show the number of hours worked by

pieceworkers (as well as by hourly workers, as before) and the net wages paid, in addition to the wage information previously required.

(Repeals secs. 212-a, 212-b, and 212-c, Labor Law, and enacts a new sec. 212-a; rennumbers secs. 212-d and 212-e as 212-b and 212-c.)

**A. Res. 143** (*Adopted 3/30/62*). Continues until March 31, 1963, the Joint Legislative Committee on Migrant Labor, created in 1952. Appropriates \$25,000 for committee expenses.

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 48** (*Approved and effective 2/27/62*). Extends to amusement parks the safety rulemaking provisions already applicable to the assembly, disassembly, and use of amusement devices and temporary structures at carnivals and fairs. Authorizes the Board of Standards and Appeals of the State labor department to issue such safety rules for locations outside New York City; the New York City Department of Buildings, for New York City.

(Amends sec. 202-b, Labor Law.)

**Ch. 450** (*Approved 4/13/62; effective 10/1/62*). Authorizes the Industrial Commissioner to attach a warning notice to any unsafe machinery, equipment, or device, or to post such notice in any unsafe area, thereby prohibiting further use of the machinery or further work in or occupancy of the area. Formerly, the commissioner's authority to tag was limited to machinery and equipment in factories and to construction, demolition, or excavation work in connection with buildings and structures. Specifies that the filing of a petition requesting the Board of Standards and Appeals to review the reasonableness of the commissioner's order shall not stay further proceedings. Authorizes the board, however, to stay proceedings on application of the petitioner. Newly authorizes the Attorney General to institute proceedings to enjoin the use of tagged machinery or equipment or to enjoin further work in or occupancy of such an area.

Repeals certain detailed safety requirements for building construction work and substitutes broader language which, for example, applies also to "all areas" and to all excavation work, and specifically requires shoring. As before, authorizes the Board of Standards and Appeals to issue safety rules for such work.

Extends the safety requirements in places of employment to cover persons lawfully frequenting such places, as well as employees, as before.

(Amends sec. 200, Labor Law; repeals subd. 4 of sec. 240, and secs. 241 and 256; and enacts a new sec. 241.)

**Ch. 672** (*Approved 4/19/62; effective 1/1/63*). Revises and modernizes the safety provisions in the navigation law relating to the inspection and regulation of public vessels. For example, deletes the



detailed safety specifications pertaining to boilers on such vessels, transfers responsibility for their inspection from conservation department inspectors to inspectors of the Bureau of Boilers of the labor department, and specifically requires that boilers on public vessels be constructed, maintained, and operated in accordance with the boiler regulations of the labor department. (Continues to make the conservation department inspectors responsible for other aspects of safety inspection.)

(Amends secs. 13, 50, 54 through 59, 61, 63, and 64, Navigation Law; adds sec. 64-a; repeals former sec. 67 and enacts a new sec. 67; repeals secs. 51, 52, and 53.)

## PHYSICAL EXAMINATIONS

**Ch. 414** (*Approved 4/9/62; effective 1/1/63*). Prohibits an employer from requiring a job applicant, as a condition of employment, to pay the cost of a medical examination or the cost of furnishing medical records required by the employer. Provides, however, that a collective bargaining agreement may require the applicant to pay such cost initially if it also requires the employer to repay the cost after a reasonable period of employment.

(Adds sec. 201-b, Labor Law.)

## PRIVATE EMPLOYMENT AGENCIES

**Ch. 207** (*Approved 3/22/62; effective 7/1/62*). Requires employment agencies recruiting out-of-State domestic workers to give additional written information to applicants before bringing them into the State, including information on: the anticipated wage, instead of the prevailing rates, as before; the transportation costs to be repaid; and any other advances or charges. Provides that the information shall be on a form approved by the Commissioner of Licenses, rather than in writing, and requires the agency to keep a copy on file.

Lengthens from three to four equal installments the rate at which an agency may require an out-of-State applicant for domestic employment to pay the agency fee, and adds the repayment of advances or charges to this schedule. Specifically prohibits an agency from refusing to return the applicant's baggage or personal property.

(Amends secs. 184 and 187, General Business Law.)

## STATE DEPARTMENT OF LABOR

**Ch. 81** (*Approved and effective 2/27/62*). Repeals the requirement for a specifically named Bureau of Women in Industry and a Division of Minimum Wage in the Department of Labor. (Would not affect functions.)

(Repeals secs. 20-a and 20-b, Labor Law.)

## UNEMPLOYMENT INSURANCE

**Ch. 218** (*Approved and effective 5/27/62*). Amends the retraining provision by specifying the labor market conditions which must exist before the Commissioner of Labor may decide that a claimant does not have employment opportunities for which he is fitted by training and experience.

**Ch. 901** (*Approved 4/29/62; effective 10/1/62*). Permits local government units to elect coverage either on a contributory basis or on a reimbursable basis. Such coverage formerly was permitted only on a reimbursable basis.

**Ch. 999** (*Approved 4/30/62; effective 7/1/63*). Permits an employer voluntarily electing coverage to exclude therefrom employees in one or more of the following groups: executive; administrative; professional; teacher; recipient of charitable aid from the employer who performs work for the employer which is incidental to or in return for the aid conferred and not under any express contract of hire; volunteer; student; spouse of student; duly ordained, commissioned or licensed minister, priest or rabbi, Christian Science reader, sexton, or member of religious order.

## WAGE PAYMENT AND WAGE COLLECTION

**Ch. 650** (*Approved and effective 4/19/62*). Amends the requirement that wages of manual workers be paid weekly to permit payment within 7 days, instead of 6 days, after the date earned.

(Amends sec. 196, Labor Law.)

## WAGES—WAGE GARNISHMENT

**Ch. 333** (*Approved and effective 4/4/62*). Prohibits garnishment of the wages of a person while he is receiving public assistance or care to supplement his income. Specifies that the creditor's claim shall remain unaffected in all other respects.

(Adds sec. 137-a, Social Welfare Law.)

## WAGES AND HOURS—ALL WORKERS <sup>6</sup>

**Ch. 439** (*Approved 4/9/62; effective 5/1/62*). Raises the statutory minimum wage from \$1 to \$1.15 an hour effective October 15,

<sup>6</sup> New York City enacted a "City Minimum Wage Law" (Local Law No. 59, approved and effective 10/22/62). It set a statutory minimum wage of \$1.25 an hour effective November 21, 1962, to advance to \$1.50 an hour effective November 21, 1963. The New York Supreme Court, Appellate Division, on November 9, 1962, held the city law invalid because it set a higher minimum wage than under State law and thus prohibited an act which the State law expressly permits. The court further held that the State minimum wage law occupies the field. This decision was upheld on appeal. (*Wholesale Laundry Board of Trade, Inc., et al. v. City of New York*, N.Y. Ct. of Appeals, No. 501, Feb. 28, 1963, 47 LC 50,789.)

1962, and to \$1.25 an hour effective October 15, 1964. Makes conforming changes in the provisions governing wage board rates and in the wage provisions applicable to nonprofit institutions.

Extends the authority of minimum wage boards to recommend lower rates for specified classes of employees (including persons whose earning capacity is impaired by age) to apply also to persons whose earning capacity is affected or impaired by "youth."

(Amends secs. 651, 652, and 655, Labor Law.)

**Ch. 440** (*Approved 4/9/62; effective 5/1/62*). Retains the exemption from the minimum wage law for employees who are covered by the minimum wage provisions of the Fair Labor Standards Act, but modifies the exemption by providing that such employees shall be covered by the statutory minimum wage provisions of the State law.

(Amends sec. 651, Labor Law.)

## WORKMEN'S COMPENSATION

**Ch. 55** (*Approved 2/27/62; effective 7/1/62*). Raises the maximum weekly benefits for all types of disability from \$50 to \$55.

Raises from \$325 to \$357.50 the amount of wages which may be taken into account in computing death benefits, thereby raising, for example, the maximum weekly death benefit from \$30 to \$33 for a widow only, and from \$50 to \$55 for a widow with two or more children.

(Amends secs. 15 and 16, Workmen's Compensation Law.)

**Ch. 172** (*Approved and effective 3/20/62*). Authorizes any village, instead of first or second class villages, to employ part-time paid firemen, and provides that they shall be entitled to workmen's compensation benefits.

(Amends sec. 200, Village Law.)

**Ch. 175** (*Approved 3/20/62; effective 7/1/62*). Amends the Volunteer Firemen's Benefit Law to make the weekly benefits for volunteer firemen comparable to the increased maximum benefits under the amended workmen's compensation law. Raises weekly death benefits, for example, from \$30 to \$33 for a spouse only and from \$50 to \$55 for a spouse with two or more children. Raises weekly benefits from \$50 to \$55 for total disability and for partial disability due to schedule injuries. For nonschedule injuries, raises weekly benefits from \$50 to \$55 for a 75 percent loss of earning capacity and from \$33.33 to \$36.67 for a 50-57 percent loss; retains the \$20 weekly benefit for a loss of 25-50 percent, and the provision providing no benefit for a loss of less than 25 percent.

(Amends secs. 7 through 11, Volunteer Firemen's Benefit Law.)

**Ch. 177** (*Approved and effective 3/20/62*). Authorizes the Commissioner of Education to accept the services of volunteer workers



in the State Museum and Science Service and provides that they shall be considered State employees for purposes of receiving workmen's compensation benefits.

(Adds sec. 234-a, Education Law.)

**Ch. 249** (*Approved and effective 3/30/62*). Permits an employer to withdraw from the State insurance fund on giving 30 days' written notice of his intention to do so. Formerly, the law permitted withdrawal only at the expiration of the insurance period in the employer's contract.

(Amends sec. 94, Workmen's Compensation Law.)

**Ch. 276** (*Approved 4/4/62; effective 4/1/62*). Appropriates \$75,000 and, in addition, \$175,000 or as much of the latter sum as is necessary to bring the assets of the "uninsured employers' fund" to \$300,000. (The purpose of the appropriation is to activate the fund, which was authorized in 1959 as a source for paying awards against uninsured defaulting employers.) Deletes the provision delaying payments until the fund's net assets exceed \$300,000, and makes the fund liable for payments on claims for injuries that occur on or after October 1, 1962.

(Amends sec. 26-a, Workmen's Compensation Law.)

**Ch. 456** (*Approved and effective 4/13/62*). Specifically excludes from the definition of "employee" persons engaged by an owner in casual employment consisting of yard work, household chores, or making repairs to or painting a one-family owner-occupied residence.

(Amends sec. 2, Workmen's Compensation Law.)

**Ch. 551** (*Approved and effective 4/18/62*). Specifically removes from coverage of the workmen's compensation law employment in the sanitation service of the classified civil service of the New York City Department of Sanitation. Places such employment under coverage of the benefit provisions of the local law of New York City, in the same way that members of the New York City police and fire departments are already covered.

(Amends group 17, subdiv. 1 of sec. 3, Workmen's Compensation Law. Adds sec. 752-7.1, and amends sec. B40-10.0 N.Y.C. Admin. Code.)

**Ch. 654** (*Approved and effective 4/19/62*). Authorizes the Attorney General to accept the services of volunteer workers in the Department of Law and provides that they shall be considered State employees for purposes of receiving workmen's compensation benefits.

(Amends sec. 62, Executive Law.)

## MISCELLANEOUS

**Ch. 423** (*Approved and effective 4/9/62*). Authorizes the Industrial Commissioner to enter into agreements with Federal agencies to cooperate in the administration of programs of vocational training or retraining, or the development of job skills, as authorized by Federal law. Authorizes him to receive and disburse Federal funds for this purpose.

(Adds sec. 21-b, Labor Law.)

**Ch. 502** (*Approved and effective 4/13/62*). Amends several provisions of the Job Development Authority Law, which was enacted in 1961 to give financial assistance to projects in labor surplus areas. For example, broadens the definitions of manufacturing and industrial plants, thereby adding to the types of projects that may qualify for assistance, authorizes additional staff, and makes changes in the financing provisions.

Adds an article to the Membership Corporation Law giving local development corporations powers to further the purposes of the Job Development Authority, among other provisions.

(Amends secs. 1801 through 1805 and other secs., and repeals sec. 1814, Public Authorities Law; adds Art. 19, Membership Corporations Law.)

## PUERTO RICO

[Regular Session 1/8/62-5/31/62]

## HOURS OF WORK

**Act 88** (*Approved 6/22/62*). Authorizes reduction by union-employer agreement of the 1-hour lunch period otherwise required by law. Provides that in such cases, individual consent of each employee and approval by the Secretary of Labor is not necessary. Specifies that such a union-employer agreement shall be effective for the duration of the agreement; and that a nonunion agreement approved by the Secretary shall be valid indefinitely and neither party may withdraw its consent for 1 year, if the same work relationship continues.

(Amends 29 L.P.R.A. sec. 283 and other sections.)

## MIGRATORY WORKERS

**Act 87** (*Approved 6/22/62*). Repeals the former law authorizing the Secretary of Labor to regulate contracts for the services of workmen to be used outside Puerto Rico, and enacts stronger provisions. Requires every person recruiting workers to give the Secretary of Labor specified information about the number recruited, transportation, employer, work to be done, wages, and working conditions. Requires all contracts to be in writing and to contain the minimum

guarantee fixed by the Secretary through regulation. Makes it unlawful to recruit or transport laborers to work outside of Puerto Rico without the authorization of the Secretary. Increases penalties for violation.

(Repeals 29 L.P.R.A. secs. 511 through 520, and enacts new sections.)

## OCCUPATIONAL HEALTH AND SAFETY

**Act 30** (*Approved 6/11/62*). Amends the coverage of the law providing for safety of workmen by deleting from the definition of "place of employment" the exemption for "places of amusement and buildings used for public shows."

(Amends 29 L.P.R.A. sec. 321.)

## PRIVATE EMPLOYMENT AGENCIES

**Act 91** (*Approved 6/22/62*). Extends the definition of an "employment agency" regulated by law to include any person or organization who advertises for employees to work for another person (except newspaper, radio, or television enterprises publishing such advertisements in the course of their business); and any person or organization who refers applicants to employers through personal interviews, psychological or aptitude tests, occupational classification, or similar procedures (except where the individuals are referred for such services directly by the employer).

Requires a special permit, issued in the discretion of the Secretary of Labor, before an agency may bring workmen into Puerto Rico or refer workmen for employment outside Puerto Rico.

(Amends 29 L.P.R.A. secs. 564 and 565.)

## STATE DEPARTMENT OF LABOR

**Act 79** (*Approved 6/21/62*). Authorizes the Secretary of Justice to extend appointments for indefinite terms to the lawyers of the Department of Labor to act as prosecuting attorneys before the District Court in cases of violation of labor protection laws, and to designate them as prosecuting attorneys before the Superior Court.

(Repeals Act 60, Laws of 1950.)

## UNEMPLOYMENT INSURANCE

**Act 27** (*Approved 6/8/62*). Amends the coverage provisions to conform to the 1960 Federal amendments.

Extends coverage to workers in the agricultural phase of the sugarcane industry, formerly covered under a separate law. Provides for such workers a uniform weekly benefit amount of \$5.50 and a uniform



duration of 12 weeks. Benefits become payable on and after October 1, 1962.

For the period between October 1, 1962, through June 30, 1963, eligibility for benefits will be established by employment of 60 days or more in calendar year 1962; for the period between July 1, 1963, and September 30, 1963, the worker must have been paid wages aggregating at least \$120 for insured work in at least two quarters of the immediately preceding 12 months. After October 1, 1963, the worker must meet the regular qualifying provision for all workers in covered employment.

Provides for a tax of 3.1 percent on the first \$3,000 paid to an individual. Two and seven-tenths percent is to be credited to the unemployment fund and 0.4 percent to the special administration fund.

Not later than December 31, 1962, the Puerto Rican Secretary of Labor is to transfer from the Unemployment Compensation Fund of the Sugar Industry an amount equal to 2.7 percent of the total payroll reported by the agricultural phase of the sugar industry for fiscal 1960-61. The remainder, if any, is to be transferred to the special administration fund.

Also provides for the transfer of equipment and personnel from the Unemployment Compensation Division of the Agricultural Phase of the Sugar Industry to the Puerto Rico Bureau of Employment Security.

## RHODE ISLAND

[Regular Session 1/2/62-4/13/62]

### CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 194** (*Approved and effective 4/21/62*). See **Hours of Work**.

**Ch. 209** (*Approved and effective 4/21/62*). See **Occupational Limitations for Women**.

### DISCRIMINATION IN EMPLOYMENT

**Ch. 96** (*Approved and effective 4/17/62*). See **Older Workers**.

### HOURS OF WORK

**Ch. 194** (*Approved and effective 4/21/62*). Provides that the maximum 9 hours of work (under certain circumstances  $9\frac{3}{5}$  hours) set for women and for minors between 16 and 18 years of age shall be within a "calendar day" rather than a "period of 24 consecutive hours." Newly requires that an 8-hour period must elapse between the ending of work on one day and the beginning of work on the subsequent day;

specifies that it must be a voluntary choice on the part of the worker to return before 10 hours have elapsed; and requires the elapsed time to be 10 hours if the work is one of the hazardous employments listed in another section of the law.

(Amends sec. 28-3-11, Gen. Laws.)

## MIGRATORY WORKERS

**Ch. 95** (*Approved and effective 4/17/62*). Provides that the authority of the State Department of Health to license, inspect, and adopt sanitation regulations for camps, bathing resorts, and amusement places shall extend to migrant labor camps, by defining "camp" to include "any tract of land on which are located living accommodations maintained for migrant workers."

(Amends sec. 23-21-1, Gen. Laws.)

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 95** (*Approved and effective 4/17/62*). See **Migratory Workers**.

## OCCUPATIONAL LIMITATIONS FOR WOMEN

**Ch. 209** (*Approved and effective 4/21/62*). Amends the law prohibiting employment of any female or minor to act as a bartender in establishments operating under a class B, C, D, F, H, or I license. Prohibits the employment of any minor, or any female, unless she be 21 years of age or over and the wife, widow, daughter, or sister of the holder of such specified licenses, to act as a bartender for the purposes of mixing, preparing, serving, or selling from a bar which is used for the purpose of dispensing beverages in any licensed establishment operating under a class B, C, D, F, or I license.

## OLDER WORKERS

**Ch. 96** (*Approved and effective 4/17/62*). Newly covers employment agencies under the law prohibiting discrimination against older workers. Makes it an unlawful employment practice for an employment agency to discriminate against any individual between 45 and 65 because of his age, and for an employer or an employment agency to use advertising or application blanks which express discrimination on such grounds.

Authorizes the Director of Labor to issue regulations to effectuate the purposes of the act. Newly gives him subpoena power in connection with formal hearings on complaints.

(Amends secs. 28-6-1, 28-6-2, 28-6-7 and 28-6-10, Gen. Laws.)

## TEMPORARY DISABILITY INSURANCE

**Ch. 25** (*Approved and effective 3/13/62*). Provides that lag-day disability benefits may be paid for any holiday when the performance of services is waived by an employer.

**Ch. 58** (*Approved and effective 4/19/62*). Provides that any city or town may elect coverage for its full-time town highway surveyors whether elected or appointed.

**Ch. 133** (*Approved and effective 4/9/62*). Effective for benefit years beginning July 1, 1962, increases the minimum weekly benefit amount from \$10 to \$12 and the maximum weekly benefit amount from \$36 to 50 percent of the average weekly covered wage in the preceding calendar year. Such percentage will be computed by May 31 of each year and be effective for benefit years established after July 1 of such year.

Within the limitations expressed above, increases from 50 to 55 percent the percentage of an individual's average weekly wage payable to him as his weekly benefit amount.

**Ch. 219** (*Approved and effective 4/23/62*). Amends the definition of dependent to include children under 18, instead of under 16.

## UNEMPLOYMENT INSURANCE

**Ch. 26** (*Approved and effective 3/13/62*). Provides that benefits paid on wages earned in part-time employment during a claimant's base period shall not be charged to the account of an employer who continues to give employment to the claimant to the same extent while he is receiving benefits as during the base period.

**Ch. 93** (*Approved and effective 4/17/62*). Provides that an individual's weekly benefit amount shall not be reduced by any holiday pay received, provided that no services are performed for such pay.

## WAGES AND HOURS—ALL WORKERS

**Ch. 105** (*Approved and effective 4/17/62*). Extends coverage to establishments with one or more employees, by repealing the exemption for employers of three or less. Repeals the exemption for individuals in any occupation subject to any Federal minimum wage law.

Raises the statutory minimum wage for most employments from \$1 to \$1.15 an hour effective September 3, 1962, and to \$1.25 effective September 3, 1963.

Raises the rate for employees of nonprofit organizations from 75 cents to 90 cents an hour effective September 3, 1962, and to \$1 an hour effective September 3, 1963. Changes the definition of nonprofit organization to specify nonprofit hospital organizations and those



nonprofit organizations whose aims are exclusively religious, charitable, civic, literary, or educational in nature. Formerly, the definition covered a "religious, charitable, or nonprofit organization."

Retains the gratuity allowance of up to 30 cents per hour for tipping occupations, except for taxicabs, which remains at 10 cents.

(Amends secs. 28-12-2, 28-12-3, 28-12-5, and 28-12-10, Gen. Laws, and repeals sec. 28-12-4.)

## WORKMEN'S COMPENSATION

**Ch. 229** (*Approved and effective 5/1/62*). Raises from \$24 to \$27 the maximum weekly benefits for schedule injuries, and raises the weekly minimum from \$12 to \$14. Reduces the benefit period from 300 to 275 weeks for loss of an arm at or above the elbow or a leg at or above the knee. Extends the period from 18 to 20 weeks for the loss of three phalanges of a fourth finger of either hand.

Adds to the schedule "permanent facial disfigurement which diminishes earning capacity or occasions loss of wages," for which benefits are payable, in addition to all other compensation, subject to a maximum period of 100 weeks, a maximum weekly amount of \$30, and a weekly minimum of \$16.

Provides benefits for partial severance of a bodily member.

(Amends sec. 28-33-19, Gen. Laws.)

## SOUTH CAROLINA

[Regular Session 1/9/62-4/13/62]

## INDUSTRIAL RELATIONS

**Act 747 (Rat. No. 828)** (*Approved and effective 3/16/62*). Makes it unlawful for any carrier or shipper of property to pay or agree to pay to or for the benefit of a labor organization any charge by reason of transportation by railroad of motor vehicles or trailers which are capable of being moved on the highway. Also makes it unlawful for a labor organization to accept any such payment. Sets penalties of fine and/or imprisonment for violation.

## OCCUPATIONAL HEALTH AND SAFETY

**Act 848 (Rat. No. 986)** (*Approved and effective 3/30/62*). Creates the South Carolina Nuclear Energy and Space Commission, to consist of three ex officio members from the Senate, three from the House of Representatives, and three members appointed by the Governor. (Repeals Act 707 of 1960, which set up a permanent

committee consisting of six members from the legislature and five appointed by the Governor to represent industry, banking, labor, agriculture, and the medical profession.) Directs the commission, among other things, to formulate and execute a nuclear energy and space program for the State consistent with public health and safety; to coordinate related activities of State agencies, offices, and political subdivisions; and to maintain liaison with Federal agencies, other States, regional groups, or other groups concerned with nuclear-space affairs. Authorizes the commission to employ a director and other personnel as necessary.

Authorizes the Governor, when he determines that the public health and safety so require, to delegate to the State Board of Health the power to provide by regulation for licensing or registration of radiation sources. Specifies that such regulations shall be promulgated in such fashion as to preserve the public health and the safety of persons and property and to that end may limit or prohibit the manufacture and transportation of all types of nuclear material.

Authorizes the Governor to enter into agreements with the Federal Government providing for transfer to the State of responsibilities with respect to sources of ionizing radiation.

Provides that no regulation or ordinance relating to space activities or nuclear energy issued by an agency of the State or of any political subdivision shall become effective until 90 days after submission to the commission, unless the commission or the Governor waives all or part of this period.

(Repeals Act 707, Laws of 1960.)

## UNEMPLOYMENT INSURANCE

**Act 849** (*Approved and effective 4/7/62*). Exempts from coverage service performed by real estate salesmen whose remuneration is solely by way of commission.

## TEXAS

[Third Special Session 1/3/62-2/1/62]

## MIGRATORY WORKERS

**H. Res. 164-XXX** (*Adopted 2/1/62*). Creates a special interim committee on migrant labor to hold hearings and to study interstate and intrastate aspects of migrant labor, the coordination of local, State, and Federal programs, and in particular to consider the needs

of migrant workers for basic education, work skills, retraining, and vocational education. Directs the committee to report its findings and recommendations to the next regular session of the legislature.

## VIRGINIA

[Regular Session 1/10/62–3/30/62]

### CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 352** (*Approved 3/30/62; effective 6/29/62*). Provides that newspaper publishers, instead of the regular certificating officer, shall, upon receipt of satisfactory proof of age, issue newspaper carrier certificates to boys between the ages of 12 and 16. Requires that copies of the certificate be forwarded to the Commissioner of Labor and the division superintendent of schools and that one copy be retained by the publisher. Provides that certificates shall remain in effect until the publisher is notified that the boy does not appear physically fit or that his schoolwork is not compatible with such occupation. Prohibits such carrier boys from working between 7 p.m. and 5 a.m., instead of between 7 p.m. and 6 a.m.

Specifically provides that certificates are not required for carrier boys between 16 and 18 years of age, and retains the provision that certificates are not required for any boys employed in certain smaller cities and less populous counties.

(Amends sec. 40–118, Code of Va.)

### HOURS OF WORK

**Ch. 66** (*Approved 2/15/62; effective 6/29/62*). See **State Department of Labor**.

### INDUSTRIAL RELATIONS

**Ch. 376** (*Approved 3/30/62; effective 6/29/62*). Makes it unlawful for any carrier or shipper of property to agree to pay, or to pay, to or for the benefit of a labor organization, any charge for placing upon, delivery to, or movement by rail, of a motor vehicle or trailer which is capable of being moved or propelled on the highway. Also makes unlawful the acceptance or receipt by a labor organization of any such payment from any carrier or shipper. Sets a penalty for violation of from \$100 to \$1,000, and makes each day an illegal agreement is in effect a separate offense.

### MIGRATORY WORKERS

**Ch. 251** (*Approved 3/14/62; effective 7/1/62 for new camps, and 1/1/63 for existing camps*). Requires an annual permit from the local



health department for the operation of a migrant labor camp, defined as a place used as living quarters for more than 10 persons, one or more of whom is a migrant worker in agricultural activities.

Sets standards in the act for location, construction, fire protection, and occupancy space; water supply; bath, toilet, and laundry facilities; plumbing and sewage disposal; ventilation, screening, sanitation, and lighting; kitchen facilities; and insect and rodent control. In addition, authorizes the State Board of Health to make rules governing such camps. Provides that 30 days' written notice be given to the local board of health of intent to construct, remodel, or enlarge a camp, or to convert a property for camp use.

Requires every person now operating or proposing to operate a camp to apply for a permit 30 days before the camp is opened, with a separate application for each campsite. Provides that the permit shall be issued if, after inspection by the board, it is determined that the camp meets the minimum standards; or that a provisional permit may be issued if the requirements can be met within 30 days. Authorizes the revocation of a permit at any time for failure to comply with the regulations.

Makes the camp operator responsible for compliance with statutory requirements and regulations, and the occupants responsible for the use of the facilities and for maintaining clean and sanitary conditions. Gives the State board and the local boards of health the right of entry to inspect labor camps. Makes violation of the law or regulations a misdemeanor.

(Adds secs. 32-415 through 32-422 to the Code of Va.)

## OCCUPATIONAL HEALTH AND SAFETY

**Ch. 66** (*Approved 2/15/62; effective 6/29/62*). See **State Department of Labor**.

**Ch. 251** (*Approved 3/14/62; effective 7/1/62 for new camps, and 1/1/63 for existing camps*). See **Migratory Workers**.

**Ch. 364** (*Approved 3/30/62; effective 6/29/62*). Provides for the entrance of Virginia into the Southern Interstate Nuclear Compact. (For a description of the compact, see Georgia, Act 837, Laws of 1962.)

**Ch. 537** (*Approved 3/31/62; effective 6/29/62*). Authorizes the Safety Codes Commission, with the advice of the labor commissioner, to issue and enforce rules relating to the handling, storage, and use of explosives or blasting agents, as defined. Makes violation of the rules a misdemeanor.

(Adds sec. 40-20.1 to the Code of Va.)

## OLDER WORKERS

**S. J. Res. 42** (*Adopted 3/10/62*). Directs the Advisory Legislative Council to make a study of the need for laws and the development of employment programs for older workers and to make its report to the Governor and the General Assembly by October 1, 1963. Directs the Department of Labor and Industry and the Employment Commission to assist the council in its studies.

**H. J. Res. 45** (*Adopted 3/10/62*). Requests the executive departments of the State and its political subdivisions and the business community in general to make jobs available to persons regardless of age.

## PRIVATE EMPLOYMENT AGENCIES

**Ch. 66** (*Approved 2/15/62; effective 6/29/62*). See **State Department of Labor**.

## STATE DEPARTMENT OF LABOR

**Ch. 66** (*Approved 2/15/62; effective 6/29/62*). Amends numerous sections of the labor law. Substitutes the name "Department of Labor and Industry" for all references to the Bureau of Labor and Industry, and transfers all powers of the bureau to the department. Adds a new definition section, including a definition of "business establishment" to mean any public institution or any private place of employment, except agricultural employment on a farm.

Directs the Commissioner of Labor and Industry to enforce all labor and mining laws and authorizes him to issue rules for their enforcement; formerly, the commissioner's authority was limited to the enforcement of laws relating to the inspection of factories, mercantile establishments, mills, workshops, and commercial establishments. Authorizes the commissioner to enter any business establishment, as defined, instead of any factory, store, workshop, laundry, mine, or State institution.

*Hours of Work*.—Amends the provisions regulating women's hours. Extends coverage of the 9-48-hour law to any business establishment, rather than to any factory, workshop, laundry, restaurant, mercantile, or manufacturing establishment. Extends coverage to the restaurant operations of mercantile establishments in small communities which are exempted from coverage of the law. Adds other exemptions from coverage, including employment as a registered technician or a practitioner of a State regulated profession, and employment in manufacturing establishments and public utilities where the commissioner finds that the law would unnecessarily hinder or restrict multiple-shift operations and where the hours worked do not constitute

a health hazard. Authorizes advance or retroactive approval by the commissioner of exemptions in emergency situations in hotel dining rooms and other food service establishments, in order to serve an unusually large or unexpected number of patrons.

Sets a maximum of 60 hours in a 7-consecutive-day period in the provision allowing women to work a 10-hour day for 90 days a year in handling leaf tobacco, shelling peanuts, packing oysters, and certain other employments.

*Occupational Health and Safety.*—Changes several provisions dealing with safety in employment. Reconstitutes the Safety Codes Commission to consist of the labor commissioner and four members appointed by the Governor: one representing labor, two representing employers, and one the general public. Previously a three-member safety commission consisted of the labor commissioner, the employer representative on the Industrial Commission, and the State health commissioner. Enlarges the powers of the safety commission to include authority to adopt and repeal safety rules, with the labor commissioner's advice. The former commission had power only to study and investigate safety in industry, and to recommend new legislation.

Provides that the labor commissioner shall enforce such rules; provides for appeals to the safety codes commission by business establishments charged with violation of a safety law or rule; and makes their findings binding on the labor commissioner. Authorizes the commissioner to prohibit the use of a business establishment or of machinery if a violation has not been corrected or appeal taken to the commission within 30 days after notice of violation. Provides further that whenever the commissioner determines there is immediate danger of loss of life he may, notwithstanding any other provision, order immediate compliance or prohibit the use of the machinery or establishment. In such cases, provides for appeals to the court.

Sets new standards for sanitation, lighting, fire safety, ventilation, and the use of safety devices on machines in any business establishment, or replaces existing detailed provisions with general language of broader application. For example, a requirement for "reasonably adequate and suitable ventilation," including removal and dispersal of excessive heat, steam gases, vapors, fumes, dust, or impurities, now applies to any business establishment; formerly ventilation requirements applied only to a few specified types of employment. Specifically directs the safety codes commission to adopt rules for lighting and ventilation.

Newly requires shoring and other safeguards in construction, excavation, maintenance, and demolition work, and specifically directs the commission to adopt rules dealing with construction safety.



*Private Employment Agencies.*—Makes several changes in the law regulating private employment agencies. Adds a new definition section, including a definition of “employment agency” to mean “any person, firm, corporation, association or business who shall advertise through any means for the purpose of assigning or directing a person to some other employer to work and charges any fee or commission for such service”; exempts from coverage “migratory farm labor where otherwise provided for by law.”

Requires an annual license from the labor department for the operation of any employment agency. Requires a separate license for each business location and sets a \$10 license fee. Authorizes the commissioner to issue rules requiring an applicant for a license to furnish information on his qualifications.

Adds to the requirement that employment agencies keep registers of job applicants and employers an additional requirement that the disposition of every application be entered on the registers and that all such records be kept for 3 years; exempts from these provisions any agency that does not charge a fee or commission to the employee.

Retains the \$3 maximum on registration fees. Requires return of the fee after 30 days if suitable employment is not offered. Requires that contracts or agreements between a jobseeker and an agency shall be in writing and shall include information on fees charged.

*Wage Payment and Wage Collection.*—Makes several improvements in the wage payment law. Extends coverage of the law to any business establishment; requires all employers to establish regular pay periods and to pay salaried employees at least once a month and hourly employees at least every 2 weeks or twice a month. Formerly, the law applied to railroad shops and railroad and steamship offices, mining, and manufacturing, and required payment twice a month in these employments, and once a month in excelsior or sawmills. Newly grants the labor commissioner authority to sue for and collect unpaid wages. Adds a requirement that wages due be paid by the next regular payday, if employment is terminated. Adds a specific penalty provision for violation of the wage payment law.

(Amends secs. 40-1 through 40-12, 40-20, 40-24, 40-34, 40-35, 40-44, 40-58, 40-61, and other sections; adds new secs. 40-1.1, 40-9.1, 40-9.2, 40-61.1 through 40-61.3, and other sections; repeals secs. 40-23, 40-45 through 40-54, and other sections, Code of Va.)

## UNEMPLOYMENT INSURANCE

**Ch. 6** (*Approved 2/8/62; effective 7/1/62*). Provides for a reduction in benefit charges to an employer's account if he reemploys

the claimant prior to the exhaustion of 75 percent of his benefit award. To receive this reduction, an employer must make application within 30 days of the expiration of a claimant's benefit year.

**Ch. 12** (*Approved 2/9/62; effective 10/1/62*). Effective for benefit years established after October 1, 1962, increases the maximum weekly benefit amount from \$32 to \$34 and the minimum weekly benefit amount from \$10 to \$12.

Changes the qualifying requirement from 30 times the weekly benefit amount to 38 times the weekly benefit amount for all steps except the minimum. At the minimum step, the qualifying requirement was increased from \$300 to \$450 (37½ times the weekly benefit amount).

Increases maximum duration from 20 to 24 weeks and minimum potential duration from 8 to 10 weeks.

Changes the disqualification for voluntary leaving from 7 consecutive weeks to the duration of the unemployment and until the individual has worked at least 30 days for an employing unit.

Changes the disqualification for misconduct from 7-11 consecutive weeks to the duration of the unemployment and until the individual has worked at least 30 days for an employing unit.

Changes the disqualification for refusal of suitable work from 7-11 consecutive weeks to the week of occurrence and until the individual has worked at least 30 days for an employing unit. If refusal occurs during the waiting week, the disqualification is to commence the following week.

**Ch. 71** (*Approved and effective 2/16/62*). Extends coverage to: services for Federal instrumentalities now exempt from taxation in which the United States has no ownership; services on or in connection with American aircraft outside the United States; services for profit-making "feeder" organizations owned by exempt nonprofit organizations; and services for certain tax-exempt organizations, including agricultural and horticultural organizations, voluntary employee beneficiary associations, and fraternal beneficiary societies (except services for less than \$50 in any calendar quarter and service performed by a student for the school he is attending).

**Ch. 83** (*Approved 2/20/62; effective 7/1/62*). Omits charges to an employer's account if claimant's most recent 30 days of employment were with a noncovered employer or if an individual who voluntarily left work to accept other employment and whose new employment did not last 30 days, refuses an offer to return to his original work.

**Ch. 138** (*Approved 2/27/62; effective 7/1/62*). Provides that all benefit payments erroneously received, instead of only those obtained through fraud, shall be either repaid or deducted from future benefits.

Changes the penalty for fraud from a cancellation of all wage credits earned during the current base period to a 1-year period subsequent to the date of the offense.

Specifies that, whenever the Unemployment Compensation Commission finds that a discharged employee has received backpay from his employer after reinstatement, the employee shall, in the discretion of the commission, be liable for the repayment of benefits or have them deducted from any future benefits. Formerly, repayment under these circumstances was at the discretion of the commission.

**Ch. 270** (*Approved 3/15/62; effective 6/26/62*). Reduces the weekly benefit amount of a claimant receiving retirement income under a private plan contributed to by the most recent employer for whom he performed services for at least 30 days. If such retirement income equals or exceeds the weekly benefit amount, the claimant will be held ineligible.

## WAGE PAYMENT AND WAGE COLLECTION

**Ch. 66** (*Approved 2/15/62; effective 6/29/62*). See **State Department of Labor**.

## WAGES—PUBLIC WORKS

**Ch. 179** (*Approved 3/2/62; effective 6/29/62*). Requires surety on subcontractors' payment bonds for labor and materials on public works contracts. Gives laborers and materials suppliers right of action against the surety of a contractor, if he fails to require the bond from a subcontractor.

(Amends secs. 11–20 and 11–23, Code of Va.)

## WORKMEN'S COMPENSATION

**Ch. 70** (*Approved 2/16/62; effective 6/29/62*). Makes compensable, infectious or contagious diseases contracted in employment in or in immediate connection with a public health laboratory (as well as in a hospital or sanatorium, already covered).

(Amends sec. 65–43.1, Code of Va.)

**Ch. 339** (*Approved 3/30/62; effective 6/29/62*) and

**Ch. 340** (*Approved 3/30/62; effective 6/29/62*). Authorizes deputies of the Industrial Commission to decide cases and make awards, in cases deemed proper by the commission; formerly, the authority of deputies was limited to taking testimony.

(Amends secs. 65–14 and 65–92, Code of Va.)

**Ch. 503** (*Approved 3/31/62; effective 6/29/62*). Raises maximum weekly benefits from \$35 to \$37 for all types of disability and for death. Raises the total maximum benefits for total disability



from \$14,000 to \$14,800. Raises the total maximum benefits for death from \$10,500 to \$11,100.

(Amends secs. 65-51, 65-52, and 65-62, Code of Va.)

**Ch. 530** (*Approved and effective 3/31/62*). Extends coverage to policemen and firemen in cities of more than 230,000 population.

(Amends sec. 65-4, Code of Va.)

**Ch. 588** (*Approved 3/31/62; effective 6/29/62*). Provides that occupational disease claims are barred unless filed within 1 year after the diagnosis is communicated to the employee or within 5 years from the last injurious exposure, whichever occurs first. Formerly, the only time limit for such claims was 1 year after the diagnosis was communicated to the employee. Exempts from the 5-year time limit, claims for radiation disability and for certain other enumerated diseases including eye cataracts, skin cancer, ulceration, and undulant fever, as caused by exposure to specified substances or processes.

(Amends sec. 65-49, Code of Va.)

## WEST VIRGINIA

[Regular Session 1/10/62-2/10/62]

### CHILD LABOR AND SCHOOL ATTENDANCE

**Ch. 13** (*Approved 2/15/62; effective 2/8/62*). Authorizes a job-preparation program for school dropouts, to be financed by the State in cooperation with the counties, and to be administered by the State Department of Education in cooperation with local education officials. Specifies that job training is to be given in such occupations as radio and television repair, gardening, industrial and household painting, wood and ceramic crafts, meter reading and repair, and construction work. Specifies as purposes of the program that it provide practical job preparation on the basis of interest, aptitude, and ability for those who quit school before high school graduation, and that participation be compulsory for boys 16 and 17 years of age, with a view to later extending the program to girls.

Establishes an experimental pilot program for the summer of 1962 in a county selected by the State Superintendent of Education and an advisory committee composed of four members of the legislative interim committee and four members selected by the Governor. Makes all boys in the county 16 and 17 years of age who have quit school before high school graduation and who are not regularly employed subject to compulsory participation in the pilot program. Requires the committee to make progress reports to the Governor and the joint legislative interim committees and to make a final report and recommendations by December 1, 1962, whereupon the

Governor and interim committees shall recommend to the 1963 legislature further implementation of the program, or its abolition.

Sets an expiration date of January 1, 1963, for the job-preparation program and the pilot experiment.

## WORKMEN'S COMPENSATION

**Ch. 39** (*Approved 2/13/62; effective 2/6/62*). Authorizes the Board of Commissioners of Ohio County to create an airport authority. Provides that all employees of such authority eligible for coverage under the workmen's compensation act shall be deemed to be covered.

## WISCONSIN

[1961 Regular Session met 1/11/61; last recessed to 1/9/63]

## DISCRIMINATION IN EMPLOYMENT

**Ch. 628** (*Approved 1/9/62; effective 1/14/62*). See **Wages—Equal Pay**.

## INDUSTRIAL RELATIONS

**Ch. 663** (*Approved 1/31/62; effective 2/8/62*). Amends a 1959 law which gave municipal employees the right to organize or join labor organizations and the right to be represented by labor organizations of their own choice in conferences and negotiations with their municipal employers on questions of wages, hours, and conditions of employment, and also provided that municipal employees have the right to refrain from any and all of such activity. In addition, the 1959 law prohibited specified unfair labor practices by municipal employers and employees.

The 1962 law establishes procedures for the prevention of unfair labor practices in municipal employment by making applicable those procedures previously enacted for private employment. Empowers the State Employment Relations Board to function as mediator in disputes between municipal employees and their employers. Makes the procedures for establishment of bargaining units and determination of representation by a labor organization applicable to municipal employment, except that craft groups may not be included in a bargaining unit with other employees. Prohibits the board from ordering an election among craft employees, except on a separate representation petition. By contrast, craft employees in private industry may be included in a bargaining unit with other employees, or may, if they so desire, constitute a separate unit.

(Amends W.S.A. 111.70.)

**WAGES—EQUAL PAY**

**Ch. 628** (*Approved 1/9/62; effective 1/14/62*). Deletes from the fair employment practice act, which includes a prohibition on discrimination because of sex, the language, "A differential in pay between employees based in good faith on any factor or factors other than sex does not constitute discrimination within the meaning of this section." Adds a clause stating that "The prohibition against discrimination because of sex does not apply to the exclusive employment of one sex in positions where the nature of the work or working conditions provide valid reasons for hiring only men or women, or to a differential in pay between employees which is based in good faith on any factor other than sex."

(Amends W.S.A. 111.32, and renumbers 111.38 to be 111.32(5) (e).)

**WORKMEN'S COMPENSATION**

**Ch. 641** (*Approved 1/17/62; effective 1/21/62*). Provides explicit coverage under workmen's compensation law for members of the State legislature while they are traveling in the performance of official duties.

(Amends W.S.A. 102. 03.)

**UNITED STATES**

[87th Congress—Second Session]

**Public Law 87-415** (*Approved 3/15/62*). Manpower Development and Training Act of 1962. Provides a 3-year program of vocational and on-the-job training for unemployed and underemployed persons to keep abreast of automation and technological change and to equip the unemployed and underemployed with new skills that are in demand.

Directs the Secretary of Labor to: (1) evaluate benefits and problems stemming from automation, technological progress, and other changes in the economy; (2) establish methods for determining the potential impact of such developments and propose solutions; (3) develop and make available information regarding skill requirements and labor supply and employment trends; (4) make reports and recommendations on manpower requirements, resources, utilization, and training to the President, who shall transmit a report to Congress; (5) promote broad and diversified training programs including on-the-job training; (6) test, counsel, and refer trainees for suitable training, with a special program of occupational training and further



schooling for youths; (7) enter into agreements with States to make payments for weekly training allowances for a period not exceeding 52 weeks, such allowances to be roughly equal to unemployment compensation benefits, and to pay subsistence and transportation allowances for individuals receiving training away from home; (8) provide counseling and placement services upon completion of training and prepare followup studies to determine how the program met the occupational training needs of the trainees; and (9) to appoint a National Advisory Committee to make recommendations to assist him in carrying out his duties and aid in the organization of groups to further the purposes of the act.

Authorizes the Secretary of Health, Education, and Welfare to contract with the States to provide vocational training for persons referred by the Department of Labor.

Provides for financing the training by 100 percent Federal support for the first 2 years beginning July 1, 1962, and on a 50-50 matching basis with States for the third year.

**Public Law 87-420** (*Approved 3/20/62*). Welfare and Pension Plans Disclosure Act Amendments of 1962. Greatly strengthens the Welfare and Pension Plans Disclosure Act by granting investigative and enforcement powers to the Secretary of Labor and providing more effective procedures, both civil and criminal, to secure compliance in safeguarding welfare and pension funds. Empowers the Secretary to subpoena witnesses and records and to make investigations either on complaint of violation or on his own motion if after requiring certification of the plan's annual report by an independent certified or licensed public accountant, he continues to have reasonable cause to believe that such investigations may disclose violations. Authorizes the Secretary, whenever it appears that a person is violating the act, to bring an action in the Federal district courts to compel compliance and enjoin such violations. Requires the bonding of persons who handle the funds and other property of these plans equal to not less than 10 percent of the funds handled, up to a ceiling of \$500,000. Empowers the Secretary to issue binding regulations on the form and detail of reports and on the bonding requirements. Grants a good-faith defense to anyone who violates the act by relying on written opinions of or forms prescribed by the Secretary. Provides criminal penalties for: (a) stealing or embezzling plan funds or property; (b) knowingly making false statements or concealing information or failing to disclose any fact the disclosure of which is required by the act; (c) offering, accepting, or soliciting any fee or kickback with the intent of being influenced with respect to any duties relating to a plan. Exempts from the annual reporting requirements plans covering fewer

than 100 participants, unless the Secretary decides, after investigation, that such an annual report is needed. Also directs the Secretary to prescribe simplified reports pertaining to plans for which detailed reporting would be unduly burdensome.

**Public Law 87-424** (*Approved 3/30/62*). See **District of Columbia**.

**Public Law 87-543** (*Approved 7/25/62*). Public Welfare Amendments of 1962. Amends the public welfare program to improve its services and administration by shifting emphasis toward rehabilitation and reduction of dependency on public assistance and to increase the Federal share of public assistance payments. Among other provisions, authorizes the use of Federal matching funds to pay for work performed by adult relatives of dependent children on community work and training programs, provided that the State plan contains provisions which are designed to assure protection of the health and welfare of the dependent children and their relatives, and provided that the State plan contains provisions for cooperative arrangements with the public employment offices for the maximum utilization of job placement services and with the vocational education agencies in the State to encourage the training and retraining of such relatives and otherwise assist them in preparing for regular employment.

Increases the authorization of appropriations for child welfare services from the current \$25 million per year to \$30 million in fiscal 1963 and in graduated steps to \$50 million by fiscal 1969. Provides for allotments to the States for child day care centers licensed or approved by the States. Requires State plans for child welfare services to provide for coordination with the dependent children program.

Extends for 5 years the aid to dependent children of unemployed parents, but provides for denial of aid to parents who refuse without good cause to accept retraining. Provides for payments to both parents in disability and unemployment cases.

Provides for continuation of the program of payments to children removed by court order into foster care; and for payments to third parties where the parent is so incapable of managing funds that the child's welfare is affected; authorizes appointment of 12-member Advisory Council on Public Welfare to review and make recommendations on the public assistance and welfare programs. Also authorizes increased appropriations for training of welfare personnel and increases maximum amount of Federal share of public assistance to the aged, blind, and disabled.

**Public Law 87-581** (*Approved 8/13/62*). Work Hours Act of 1962. Repeals the overlapping, outmoded series of "Eight Hour

Laws" and substitutes a uniform standard, namely, an 8-hour work-day and a 40-hour workweek with overtime compensation of one and one-half times the basic rate of pay for all work in excess of that standard performed under certain Federal and federally assisted contracts.

Applies the work hours standard to any contract involving the employment of laborers or mechanics: (1) on a public work of the United States, of any territory, or the District of Columbia; (2) to which the Federal Government (including any Federal agency or instrumentality), any territory, or the District of Columbia is a party, or which is made for or on behalf thereof; or (3) which is financed in whole or in part by loans or grants from the Federal Government and to which Federal laws providing wage standards for such work apply.

Makes it clear that the contractor or subcontractor is liable to employees for unpaid overtime compensation and liable to the Government for liquidated damages of \$10 for each day an employee was permitted or required to work in excess of standard without payment of overtime compensation. Provides criminal penalties for intentional violations.

Authorizes the Secretary to issue rules and regulations under which such adjustments may be made in the application of the act as he finds necessary and proper in the public interest to prevent injustice and serious impairment of the conduct of Government business.

Directs the Federal contracting agency to withhold sums necessary to satisfy liabilities for liquidated damages and unpaid overtime wages and requires the Comptroller General to pay the sums withheld for underpayments of wages to the affected employees. If the amounts withheld are not sufficient to satisfy the liability for underpayment of wages, provides a right of action against the employer for the balance.

**Public Law 87-658** (*Approved 9/14/62*). Public Works Acceleration Act. Authorizes the President to allocate \$900 million to initiate and accelerate, in eligible areas, previously authorized Federal public works projects and State or local public works projects for which Federal financial assistance has been authorized, \$300 million to be earmarked for commitment to rural areas designated for redevelopment under the Area Redevelopment Act. Provides for allocation of funds directly to heads of departments, instrumentalities, or agencies responsible for construction of Federal public works projects or responsible for administering financial assistance to State or local projects.



Defines "eligible area" as one which the Secretary of Labor designates each month as having been "areas of substantial unemployment" for at least 9 of the preceding 12 months, and those areas which the Secretary of Commerce designates as "redevelopment areas" under the Area Redevelopment Act.

Projects are subject to the requirements of the original authorizing legislation except: (1) the limitations on allocation of funds among the States; and (2) the limitations on the total grants during a specified period of time. Authorizes aid to projects which (1) can be initiated or accelerated within a reasonably short period of time; (2) will meet an essential public need; (3) can be completed, to a substantial extent, within 12 months; (4) will contribute significantly toward the reduction of local unemployment; and (5) are not inconsistent with locally approved comprehensive plans. The Federal share of the cost of a project can be 50 percent, or up to 75 percent, if the State or local government is not financially capable of raising 50 percent.

Requires the President to prescribe rules and regulations to assure consideration of the relative needs of eligible areas, including the severity of the rates and duration of unemployment and the extent of underemployment and income levels in eligible areas.

**Public Law 87-675** (*Approved 9/19/62*). Repeals the unemployment compensation program for Korean conflict veterans, the operating phase of which had expired more than a year previously, but provides for the adjudication of pending claims and for the preservation of applicable rules and regulations established by the Secretary of Labor for the purposes of administering this phase of the program.

**Public Law 87-692** (*Approved 9/25/62*). Authorizes appropriations of \$3 million annually for 3 years to make grants to public and other nonprofit agencies for paying part of the cost of establishing and operating family health service clinics and special projects to improve health services for, and health conditions of, domestic migratory agricultural workers and their families.

**Public Law 87-723** (*Approved 9/28/62*). Senior Citizens Housing Act of 1962. Increases by \$100 million the existing program of direct loans for construction of new rental and cooperative housing for the elderly. Prevailing wage provisions of the Davis-Bacon Act are applicable to housing constructed under this program. The act also broadens the existing rural housing loan program for the elderly, and establishes a new direct loan program and a new program for insuring loans for rental housing for the elderly in rural areas.

**Public Law 87-729** (*Approved 10/1/62*). Amends the Manpower Development and Training Act to provide for reimbursement

by the Federal Government of the railroad unemployment insurance system, in the same manner as State unemployment insurance systems are reimbursed, for unemployment benefits paid to persons taking training under the act and eligible for training allowances.

**Public Law 87-792** (*Approved 10/10/62*). Self-Employed Individuals Tax Retirement Act of 1962. Provides that contributions made by self-employed persons to an approved retirement plan of not to exceed 10 percent of his earned income or \$2,500, whichever is the lesser, shall be deductible from income for tax purposes. Permits deduction annually of one-half of the amount invested in the plan, with the maximum deduction amount of \$1,250. Provides that, except in the case of disability or death, benefits may not be paid until the self-employed reaches age 60. Requires self-employers establishing retirement plans for themselves to cover in a comparable plan all of their employees with more than 3 years' service.

**Public Law 87-794** (*Approved 10/11/62*). Trade Expansion Act of 1962. Provides for the promotion of international trade and the enlargement of U.S. exports by granting the President greater authority to negotiate reductions in tariffs and by providing trade adjustment assistance to enable firms and workers to adjust to possible adverse effects from increased imports.

Authorizes the President to reduce any U.S. tariff by 50 percent over a 5-year period and to modify other types of import restrictions; provides special authority for negotiation with the European Economic Community; and authorizes reduction or elimination of duties of less than 5 percent ad valorem.

Provides for appointment of a Special Representative for Trade Negotiations to administer authorized tariff negotiations and for establishment of a Cabinet-level interagency trade committee.

Requires the Tariff Commission to determine injury due to tariff concessions upon application for tariff adjustment by any firm, trade association, or group of workers on behalf of an industry, or upon request of the President, Congress or on its own motion and, where injury is found, authorizes the President to invoke traditional authority to readjust tariffs or impose quota and/or to provide direct adjustment assistance to firms and workers in injured industries.

Upon proper certification and for a limited time period, provides for technical, financial, and tax assistance for such firms, and trade readjustment allowances and training for up to 52 weeks for affected workers, including counseling and retraining with travel allowances and relocation allowances. Authorizes similiar assistance for firms and workers injured as a result of imports, without a finding of injury to the industry.





## INDEX TO TOPICAL HEADINGS

	Page		Page
AGRICULTURAL ACT OF 1949:		CHILD LABOR—Continued	
United States.....	167	Indiana.....	65
AGRICULTURAL TRADE DEVELOP-		Kansas.....	68
MENT AND ASSISTANCE ACT		Louisiana.....	192
OF 1954:		Maine.....	71
United States.....	166	Maryland.....	76
AGRICULTURAL WORKERS:		Massachusetts.....	78, 195
California.....	24, 32	Nebraska.....	88
Hawaii.....	54, 55, 187	Nevada.....	89
Louisiana.....	193	New Jersey.....	203
Maine.....	71, 74	New York.....	98, 208
New York.....	101	Oregon.....	116
Oregon.....	118	Pennsylvania.....	125
Puerto Rico.....	219	Puerto Rico.....	133
South Carolina.....	139	Rhode Island.....	220
Wisconsin.....	161	Tennessee.....	141
<i>See also</i> Migratory Workers		Texas.....	143
APPRENTICESHIP:		United States.....	235
California.....	22	Virginia.....	225
Colorado.....	39	Washington.....	149
Maryland.....	194	West Virginia.....	232
New Jersey.....	203, 207	Wisconsin.....	157
New York.....	97, 208	CIVILIAN DEFENSE WORKERS:	
Ohio.....	111	Connecticut.....	47
Pennsylvania.....	124	Nebraska.....	89
Utah.....	145	COMMUNITY HEALTH SERVICES	
Vermont.....	147	AND FACILITIES ACT OF 1961:	
Washington.....	149	United States.....	168
ARBITRATION:		CONCILIATION:	
<i>See</i> Industrial Relations		<i>See</i> Industrial Relations	
AREA REDEVELOPMENT ACT:		DAVIS-BACON ACT:	
United States.....	163, 238	Pennsylvania.....	130
ATOMIC ENERGY:		United States.....	165
<i>See</i> Radiation		DEFENSE BASE ACT:	
CHILD LABOR:		United States.....	166
Alabama.....	16	DISABILITY COMPENSATION:	
Arizona.....	181	<i>See</i> Temporary Disability In-	
California.....	22	surance	
Colorado.....	184	DISCRIMINATION IN EMPLOYMENT:	
Florida.....	51	California.....	23
Hawaii.....	54	Idaho.....	57
Idaho.....	57	Illinois.....	59

	Page		Page
DISCRIMINATION IN EMPLOY- MENT—Continued		FEDERAL-AID HIGHWAY ACT OF 1961:	
Indiana.....	65	United States.....	164
Kansas.....	68	FEDERAL AIRPORT ACT:	
Maryland.....	195	United States.....	166
Massachusetts.....	196	FEDERAL EMPLOYEES' COM- PENSATION ACT:	
Michigan.....	200	United States.....	166
Minnesota.....	82	FEDERAL LEGISLATION:	
Missouri.....	83	United States.....	162, 235
Montana.....	84	FEDERAL UNEMPLOYMENT TAX ACT:	
Nevada.....	89	Michigan.....	201
New Jersey.....	204	FINNISH DEBT PAYMENTS ACT OF 1949:	
New York.....	98, 210	United States.....	166
Ohio.....	111	FOREIGN ASSISTANCE ACT OF 1961:	
Pennsylvania.....	126	United States.....	165
Rhode Island.....	220	FULBRIGHT ACT:	
Washington.....	150	United States.....	166
West Virginia.....	154	HEALTH AND WELFARE FUNDS:	
Wisconsin.....	157, 234	Connecticut.....	43, 46
<i>See also</i> Older Workers		Maryland.....	76
EMERGENCY RELAXATIONS:		Massachusetts.....	197
Massachusetts.....	78, 196	New Jersey.....	207
New York.....	98, 210	New York.....	100
EMPLOYMENT AGENCIES:		Rhode Island.....	135
<i>See</i> Private Employment Agen- cies		United States.....	236
EQUAL PAY:		Wisconsin.....	158, 160
<i>See</i> Wages—Equal Pay		HILL-BURTON ACT:	
FAIR EMPLOYMENT PRACTICE ACTS:		United States.....	168
<i>See</i> Discrimination in Employ- ment		HOURS OF WORK:	
FAIR LABOR STANDARDS ACT:		Arizona.....	182
Alaska.....	180	California.....	23
Connecticut.....	47	Maine.....	71
Hawaii.....	187	Massachusetts.....	78, 196
New York.....	216	Nevada.....	90
FAIR LABOR STANDARDS ACT AMENDMENTS OF 1961:		New York.....	98
United States.....	163	North Carolina.....	105
FARM LABOR CONTRACTORS:		Ohio.....	111
<i>See</i> Migratory Workers		Puerto Rico.....	133, 218
FARMWORKERS:			
<i>See</i> Agricultural Workers			

	Page		Page
<b>HOURS OF WORK—Continued</b>		<b>LONGSHOREMEN'S AND HARBOR</b>	
Rhode Island.....	220	WORKERS' COMPENSATION	
Texas.....	143	Act:	
United States.....	237	United States.....	165
Virginia.....	225		
		<b>MANPOWER DEVELOPMENT AND</b>	
<b>HOUSING ACT OF 1961:</b>		TRAINING ACT OF 1962:	
United States.....	165	United States.....	235, 239
<b>INDUSTRIAL HOMEWORK:</b>		<b>MEDIATION:</b>	
Massachusetts.....	196	See Industrial Relations	
<b>INDUSTRIAL RELATIONS:</b>		<b>MEDICAL EXAMINATIONS:</b>	
California.....	23	See Physical Examinations,	
Connecticut.....	43	Cost of	
Delaware.....	48		
Georgia.....	186	<b>MIGRATORY WORKERS:</b>	
Hawaii.....	54	California.....	25, 183
Kentucky.....	188	Colorado.....	40, 184
Louisiana.....	192	Illinois.....	60
Maine.....	71	New Jersey.....	94
Maryland.....	76	New York.....	101, 212
Massachusetts.....	79, 196	North Carolina.....	105
Michigan.....	200	Oklahoma.....	114
Mississippi.....	202	Oregon.....	119
Nebraska.....	88	Pennsylvania.....	127
New Jersey.....	205	Puerto Rico.....	134, 218
New York.....	99, 211	Rhode Island.....	221
North Dakota.....	108	Texas.....	224
Oregon.....	117	United States.....	167, 239
Pennsylvania.....	127	Virginia.....	225
Puerto Rico.....	133	Wisconsin.....	157, 158
Rhode Island.....	135		
South Carolina.....	223	<b>MINIMUM WAGES:</b>	
Virginia.....	225	See Wages and Hours	
Washington.....	150		
Wisconsin.....	157, 234	<b>MUTUAL EDUCATIONAL AND CUL-</b>	
		TURAL EXCHANGE ACT OF	
<b>INTERNATIONAL CULTURAL EX-</b>		1961:	
<b>CHANGE AND TRADE FAIR</b>		United States.....	166
<b>PARTICIPATION ACT OF 1956:</b>			
United States.....	166	<b>MUTUAL SECURITY ACT OF 1954:</b>	
		United States.....	165
<b>LABOR MANAGEMENT RELATIONS</b>			
<b>ACT:</b>		<b>NATIONAL HOUSING ACT:</b>	
Connecticut.....	44	United States.....	165
<b>LABOR-MANAGEMENT REPORT-</b>		<b>OCCUPATIONAL DISEASES:</b>	
<b>ING AND DISCLOSURE ACT</b>		Alaska.....	181
<b>OF 1959:</b>		California.....	36, 39
Connecticut.....	44	Colorado.....	42
North Dakota.....	109	Hawaii.....	56



	Page		Page
OCCUPATIONAL DISEASES—Con.		OCCUPATIONAL HEALTH AND	
Idaho.....	58	SAFETY—Continued	
Illinois.....	64	Puerto Rico.....	219
Indiana.....	66	Rhode Island.....	221
Kansas.....	70	South Carolina.....	138, 223
Kentucky.....	191	Tennessee.....	141
Maine.....	74	Texas.....	143
Mississippi.....	203	Utah.....	146
Montana.....	86	Virginia.....	226
Nevada.....	91	Washington.....	150
New Hampshire.....	93	Wisconsin.....	159
North Dakota.....	110		
Oklahoma.....	115	OCCUPATIONAL LIMITATIONS FOR	
Oregon.....	124	WOMEN:	
Pennsylvania.....	131	Rhode Island.....	221
Tennessee.....	142		
Utah.....	147	OLDER WORKERS:	
Vermont.....	148	California.....	29
Virginia.....	231	Maryland.....	195
West Virginia.....	157	Massachusetts.....	198
Wisconsin.....	161	Montana.....	84
		New Jersey.....	207
OCCUPATIONAL HEALTH AND		New York.....	102
SAFETY:		Ohio.....	112
Alabama.....	16	Rhode Island.....	221
Arkansas.....	20	Virginia.....	227
California.....	26, 183	Washington.....	151
Colorado.....	41		
Connecticut.....	44	PHYSICAL EXAMINATIONS, COST	
Delaware.....	49	OF:	
Florida.....	52	New York.....	214
Georgia.....	186	Pennsylvania.....	127
Idaho.....	57		
Illinois.....	61	PRIVATE EMPLOYMENT AGEN-	
Indiana.....	66	CIES:	
Iowa.....	67	California.....	30
Kansas.....	69, 188	Connecticut.....	45
Kentucky.....	188	Delaware.....	49
Louisiana.....	193	Florida.....	53
Maine.....	71	Hawaii.....	54
Maryland.....	195	Mississippi.....	202
Massachusetts.....	79, 197	New Hampshire.....	92
Mississippi.....	202	New York.....	102, 210, 214
New Hampshire.....	92	Ohio.....	112
New Jersey.....	94, 206	Oregon.....	122
New York.....	102, 213	Puerto Rico.....	219
North Carolina.....	105	Rhode Island.....	221
North Dakota.....	109	Texas.....	144
Ohio.....	111	Virginia.....	227
Oregon.....	120		
Pennsylvania.....	127	PUBLIC HEALTH SERVICE ACT:	
		United States.....	168

	Page		Page
PUBLIC WELFARE AMENDMENTS OF 1962:		RIGHT-TO-WORK:	
United States.....	237	Nebraska.....	88
PUBLIC WORKS ACCELERATION ACT:		SAFETY AND HEALTH:	
United States.....	238	See Occupational Health and Safety	
RADIATION:		SCHOOL ATTENDANCE:	
Arkansas.....	21	Alabama.....	16
California.....	26, 183	California.....	22
Colorado.....	42	Colorado.....	40, 184
Florida.....	52	Florida.....	52
Hawaii.....	56	Hawaii.....	54
Idaho.....	57, 58	Indiana.....	65
Illinois.....	64	Montana.....	84
Indiana.....	66	New York.....	209
Kentucky.....	189	North Dakota.....	107
Louisiana.....	193	Oklahoma.....	114
Maine.....	71	Oregon.....	116
Maryland.....	195	Pennsylvania.....	125
Mississippi.....	202, 203	Wisconsin.....	157
Nevada.....	91	SELF-EMPLOYED INDIVIDUALS	
New Hampshire.....	92	TAX RETIREMENT ACT OF	
New Jersey.....	94	1962:	
Oklahoma.....	115	United States.....	240
Oregon.....	121	SENIOR CITIZENS HOUSING ACT	
South Carolina.....	223	OF 1962:	
Tennessee.....	141	United States.....	239
Texas.....	143	SOCIAL SECURITY ACT:	
Virginia.....	232	United States.....	164, 167
Washington.....	150	SOCIAL SECURITY ACT AMEND-	
Wisconsin.....	159, 161	MENTS OF 1961:	
See also Southern Interstate		United States.....	164
Nuclear Compact		SOUTHERN INTERSTATE NUCLEAR	
RAILROAD RETIREMENT ACT OF		COMPACT:	
1937:		Alabama.....	16
United States.....	167	Arkansas.....	20
RAILROAD UNEMPLOYMENT IN-		Florida.....	52
SURANCE:		Georgia.....	186
United States.....	163	Mississippi.....	202
REHABILITATION:		South Carolina.....	138
California.....	38	Tennessee.....	141
Maine.....	74	Texas.....	143
Massachusetts.....	82	Virginia.....	226
Montana.....	87	STATE DEPARTMENT OF LABOR:	
Pennsylvania.....	131	Delaware.....	49
Utah.....	146		
West Virginia.....	156		

	Page		Page
STATE DEPARTMENT OF LABOR— Continued		STUDIES AUTHORIZED—Continued	
Kentucky.....	189	Virginia — employment pro- grams for older workers....	227
Massachusetts.....	198	Washington—workmen's com- pensation law.....	154
Michigan.....	201	Wyoming — workmen's com- pensation law.....	162
New York.....	214		
Puerto Rico.....	219	SUBSEQUENT INJURIES:	
Virginia.....	227	Alaska.....	181
Wyoming.....	161	California.....	38
STUDIES AUTHORIZED:		Colorado.....	42
Alaska—workmen's compensa- tion insurance, State fund..	19	Kansas.....	69
California—labor-management relations in agriculture..	24	Kentucky.....	191
Migrant housing.....	26, 183	Massachusetts.....	82
Sale of unsafe machinery..	28	New Hampshire.....	93
Improving industrial safety programs.....	29	New Mexico.....	96
Safety in shiploading....	29	Oklahoma.....	114
Unemployment disability benefits and workmen's compensation.....	38	Rhode Island.....	137
Workmen's compensation problems.....	38	Tennessee.....	142
Employees defrauded under profit-sharing plans.....	39	TEMPORARY DISABILITY INSUR- ANCE:	
Occupational disease, cover- age of public employees..	39	California.....	32
Colorado—migratory labor..	41, 184	New Jersey.....	95
School attendance and child labor laws.....	184	New York.....	102
Indiana—radiation diseases...	67	Rhode Island.....	136, 222
Kentucky—prevailing wage law.....	191	TEMPORARY EXTENDED RAIL- ROAD UNEMPLOYMENT IN- SURANCE BENEFITS ACT OF 1961:	
Workmen's compensation law and administration..	192	United States.....	163
Massachusetts—rehabilitation, subsequent injury fund..	82	TEMPORARY EXTENDED UNEM- PLOYMENT COMPENSATION ACT OF 1961:	
Labor surplus of older work- ers.....	198	United States.....	162, 164
Michigan—training and re- training.....	200	TIME OFF FOR VOTING:	
New Jersey—workmen's com- pensation laws and prac- tices.....	207	California.....	33
New York—migratory labor..	101, 213	TRADE EXPANSION ACT OF 1962:	
Ohio—consolidation of indus- trial safety and health en- forcement.....	111	United States.....	240
Oklahoma—migratory labor..	114	TRAINING AND RETRAINING:	
Texas—migratory labor.....	224	Alaska.....	179
		California.....	22, 33
		Delaware.....	184
		District of Columbia.....	186
		Idaho.....	58



	Page		Page
<b>TRAINING AND RETRAINING—Con.</b>		<b>UNEMPLOYMENT INSURANCE—Con.</b>	
Illinois.....	61	Tennessee.....	142
Michigan.....	200	Texas.....	144
Missouri.....	84	United States.....	162, 163, 167
Nebraska.....	89	Utah.....	146
New Jersey.....	208	Vermont.....	147
New York.....	210, 215, 218	Virginia.....	229
Ohio.....	112, 113	West Virginia.....	154
Pennsylvania.....	125, 128	Wisconsin.....	159
Rhode Island.....	137		
United States.....	163, 235	<b>UNITED STATES DEPARTMENT OF</b>	
West Virginia.....	155	<b>LABOR:</b>	
		United States.....	165
<b>UNEMPLOYMENT INSURANCE:</b>		<b>UNITED STATES INFORMATION</b>	
Alabama.....	17	AND EDUCATIONAL EX-	
Alaska.....	19, 179	CHANGE ACT OF 1944:	
Arizona.....	19, 182	United States.....	166
California.....	33		
Connecticut.....	46	<b>UNIVERSAL MILITARY TRAINING</b>	
Delaware.....	49, 184	AND SERVICE ACT:	
District of Columbia.....	185	United States.....	168
Florida.....	53		
Hawaii.....	55	<b>VOTING:</b>	
Idaho.....	58	<i>See</i> Time Off for Voting	
Illinois.....	61		
Iowa.....	67	<b>WAGE PAYMENT AND WAGE</b>	
Kansas.....	69	<b>COLLECTION:</b>	
Kentucky.....	189	California.....	35
Louisiana.....	194	Connecticut.....	46
Maine.....	72	Illinois.....	62
Maryland.....	76	Maine.....	73
Massachusetts.....	80, 199	Massachusetts.....	80
Michigan.....	201	New York.....	215
Mississippi.....	203	North Dakota.....	110
Missouri.....	83	Oregon.....	123
Montana.....	85	Pennsylvania.....	128
Nebraska.....	88	Puerto Rico.....	135
Nevada.....	90	South Carolina.....	139
New Hampshire.....	93	Virginia.....	231
New Jersey.....	95, 207		
New Mexico.....	96	<b>WAGES—ASSIGNMENT OF WAGES:</b>	
New York.....	103, 215	Illinois.....	62
North Carolina.....	106		
North Dakota.....	110	<b>WAGES—EQUAL PAY:</b>	
Ohio.....	112	Arizona.....	182
Oklahoma.....	114	Michigan.....	201
Oregon.....	122	Wisconsin.....	160, 235
Pennsylvania.....	128		
Puerto Rico.....	219	<b>WAGES—PREVAILING WAGES:</b>	
Rhode Island.....	136, 222	Connecticut.....	46
South Carolina.....	138, 224	Delaware.....	184
South Dakota.....	139	Illinois.....	63

	Page		Page
WAGES—PREVAILING WAGES—Con.		WAR HAZARDS COMPENSATION	
Kentucky.....	190	ACT:	
Massachusetts.....	81	United States.....	166, 168
Montana.....	86		
Pennsylvania.....	129	WATER POLLUTION CONTROL	
United States.....	164, 165	ACT:	
Utah.....	146	United States.....	165
West Virginia.....	155		
Wisconsin.....	160	WELFARE AND PENSION PLANS	
		DISCLOSURE ACT:	
WAGES—PUBLIC WORKS:		United States.....	236
United States.....	238		
Virginia.....	231	WORK HOURS ACT OF 1962:	
		United States.....	237
WAGES—WAGE GARNISHMENT:			
Alaska.....	19	WORKMEN'S COMPENSATION:	
California.....	35	Alabama.....	18
Illinois.....	63	Alaska.....	19, 180
Louisiana.....	70	Arizona.....	20
Minnesota.....	82	Arkansas.....	21
New Mexico.....	96	California.....	36, 183
New York.....	215	Colorado.....	41
West Virginia.....	156	Connecticut.....	47
		Delaware.....	50, 185
WAGES AND HOURS—ALL		District of Columbia.....	51
WORKERS:		Hawaii.....	56
Alaska.....	180	Idaho.....	58
Connecticut.....	46	Illinois.....	64
Hawaii.....	56, 187	Indiana.....	66
Maine.....	73	Kansas.....	69
Massachusetts.....	81, 199	Kentucky.....	191
New York.....	103, 215	Louisiana.....	194
North Carolina.....	107	Maine.....	74
Pennsylvania.....	130	Maryland.....	76, 195
Rhode Island.....	222	Massachusetts.....	81, 200
United States.....	163	Mississippi.....	203
Washington.....	152	Missouri.....	84
		Montana.....	87
WAGES AND HOURS—WOMEN		Nebraska.....	89
AND MINORS:		Nevada.....	90
California.....	36	New Hampshire.....	93
		New Jersey.....	96, 207
WALSH-HEALEY PUBLIC CON-		New Mexico.....	96
TRACTS ACT:		New York.....	103, 216
Pennsylvania.....	130	North Carolina.....	107
		North Dakota.....	110
		Ohio.....	113

	Page		Page
WORKMEN'S COMPENSATION—Con.		WORKMEN'S COMPENSATION—Con.	
Oklahoma-----	114	United States-----	165
Oregon-----	124	Utah-----	146
Pennsylvania-----	131	Vermont-----	148
Puerto Rico-----	135	Virginia-----	231
Rhode Island-----	137, 223	Washington-----	153
South Carolina-----	139	West Virginia-----	156, 234
Tennessee-----	142	Wisconsin-----	160, 235
Texas-----	145	Wyoming-----	162













